

SPECIAL REPORT: REDEEMING TROUBLED KIDS

# THE AMERICAN Prospect

LIBERAL INTELLIGENCE

SEPTEMBER 2005

The Stealth History  
of Intelligent Design

What Evangelical  
Colleges Really Teach

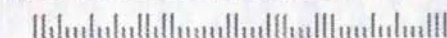


## SHUT UP, AL

The shameless dishonesty

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# THE AMERICAN Prospect

LIBERAL INTELLIGENCE

*"I think we ought always to  
entertain our opinions with  
some measure of doubt."*

— BERTRAND RUSSELL

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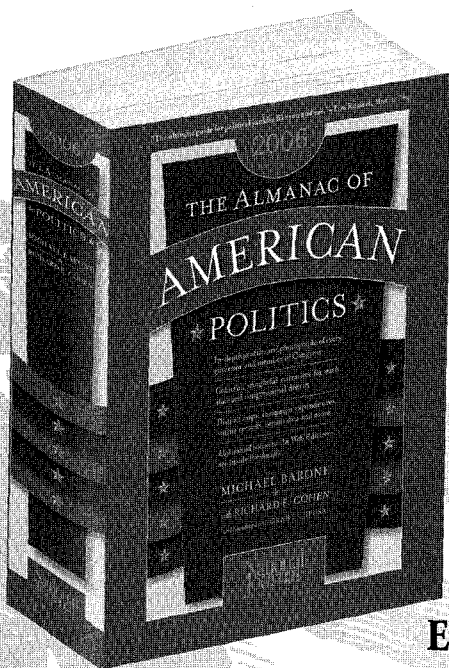
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# Letting Go of Iraq

**T**HE ESTABLISHMENT OF A PRO-IRANIAN, ISLAMIC government in Iraq was not exactly what the Bush administration told us to expect from the war. But it may well be the result, and I am beginning to think that there is nothing that the United States can or should do

about it—except to disengage from Iraq on an expeditious timetable.

As I write, we are a week away from the August 15 deadline for a draft of the new Iraqi constitution, with no break yet in the long-running deadlock among Iraq's major factions over such issues as federalism. Assuming they do reach a compromise, however, the constitution is likely to include provisions for Islamic law that reduce the rights that women enjoyed even under Saddam Hussein. According to early reports about the structure of the new parliament, it's also likely that when elections are held in December, they will give the pro-Iranian Shia religious parties at least as much power as they won in the last elections, and probably more.

What, then, will be the mission of American troops in Iraq? If, against all odds, the new constitution reconciles the Sunni minority to the new government, the insurgency should lose momentum, and we ought to be able to withdraw on a rapid schedule. But if, more realistically, the Sunnis remain unreconciled and the insurgency continues, should our soldiers remain to protect the Shia-dominated government?

The United States set in motion the political process leading to the new constitution, so we can't very well repudiate the result if it produces an Islamic government allied with Iran. But many Americans may wonder why our soldiers should be asked to sacrifice their lives to

ensure that government's success.

The results of the war have so far been utterly perverse. Not only wasn't Iraq actively developing weapons of mass destruction; the invasion gave Iran all the more incentive to pursue its own nuclear program so it would not someday suffer the same fate as its neighbor—and it has now broken off negotiations with the Europeans over that program and resumed processing nuclear fuel. That our intervention has inadvertently brought pro-Iranian parties to power in Iraq only adds to the irony. The great neoconservative hope was that the war would create a new political dynamic in the region that would favor pro-Western democracy. In fact, we have changed politics in the region—in favor of Iran, just at the time that country has moved toward a more conservative, hard-line, Islamic government.

And the list of perverse effects of the war doesn't end there. By occupying Iraq, we have provided the insurgency its sustaining passion. Rather than stopping terrorism, we have stoked it. We sought to demonstrate American power, and we have ended up demonstrating its limits.

By early August, President George W. Bush's approval rating for his perform-

ance in Iraq had sunk to 38 percent, no doubt primarily because of the unending news of American casualties. Yet the polls have also shown no majority in favor of an American withdrawal. The public seems to be as stuck as the Bush administration with a war that has ceased to offer much hope of achieving any of the goals expected of it. The nation has no enthusiasm for the war and no organized opposition to it. We have no parades and no protests. The war recedes into the background of our lives, like a dull pain or a chronic illness, only occasionally seizing our attention. The press is docile, and the Democratic Party has played almost no role in speaking for the growing numbers of Americans who want this war ended as soon as possible.

But the time is coming for a genuine opposition leadership. Those who have had doubts about the war ought to summon the courage to call for a rapidly phased withdrawal: Once Iraq's new government assumes power, America's soldiers will have done as much of the job as we should ask of them. The United States should then offer financial support and training, but the new government, perhaps with other countries'

assistance, ought to provide the soldiers to defend itself within a year. This is not a wild scheme. Recently, after stepping down as chief of Australia's armed forces, General Peter Cosgrove called for foreign troops to quit Iraq by the end of 2006 so "we take one of the focal points of terrorist motivation away,

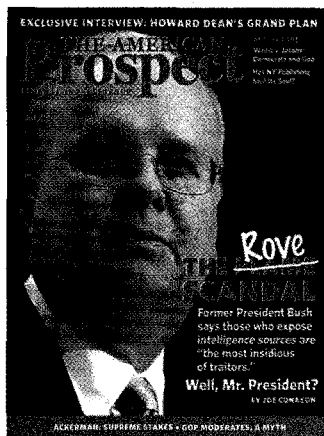
and that is foreign troops."

Even if the United States were to remain in Iraq for years providing its defense, the news might still come, once we finally left, that some strongman had seized power and was waving his fist at us. We cannot control the destiny of Iraq. The sooner we face up to that fact, the clearer the road home will be. **TAP**

— PAUL STARR

*Are we stuck with  
a war that has  
ceased to offer  
much hope of  
success—or can  
we get out?*





## Karl's Bad

**J**OE CONASON'S "ROVE ON the Ropes" [August 2005] simply reinforces my concerns about the direction this nation is being taken by the current administration. If America truly is in its decline, it is due to the acts and actions of people such as those who run the current White House, not to certain minority groups that are consistently scapegoated for this nation's ills.

The unbridled arrogance of Karl Rove described by Conason depicts a man hell-bent on destroying this democratic republic at different levels. One must wonder what motivates a person to be so nasty, mean-spirited, and hate-filled. "Power corrupts, and absolute power corrupts absolutely" seems to fit this moment in our history. The U.S. Constitution, the Bill of Rights, and the nation itself are at peril.

One should not be surprised, however, by George W. Bush's double standard on this one. Bush cannot function without Rove. Bush by himself is a hollow suit. Without Rove to wind his battery daily and to guide him wherever the administration's operatives want him to go, Bush would be at a total loss. Bush will save Rove at all costs because Bush cannot survive without him.

*Religion isn't  
simply a spiritual  
aim; it's an entire  
culture requiring  
membership.*

— ALBERT THRELKELD  
CHICAGO, IL

Frankly, I see this as a very dark period in America's history. The Democrats have forfeited one opportunity after another to call this administration on the carpet, but they simply languish in some type of dull stupor. Are the Democrats so concerned about their job security that they will let the Republicans squander the nation away? The underpinnings of this great democratic republic are being knocked asunder by the very people who have taken an oath to protect and preserve her.

M. VINCE TURNER  
Boston, MA

## As Orwell Said

**R**OBERT KUTTNER'S "EXIT With Honor" [August] makes many good points, but that the United States can leave Iraq with honor is not one of them. This is like saying a bank robber whose heist went awry was able to negotiate with the police so that he could leave the bank with his head held high and his dignity intact.

The war on Iraq was illegal (admitted to by Richard Perle, one of the war's proponents) and sold with a "pack of lies," as the British parliamentarian George Galloway so bluntly put it. We have inflicted

slaughter, mayhem, and degradation on tens of thousands of mostly innocent Iraqi men, women, and children. If we can leave Iraq and claim to be leaving with honor, we are living on the United Animal Farms of America.

WILLIAM BODDEN  
Redmond, OR

## Point, Jacoby

**T**HE ARTICLES "WITH GOD on Our Side?" [August] by Jim Wallis ["Time to Take Our Faith Back"] and Susan Jacoby ["Reason Before Religion"] are thoroughly good reading on the role of religion in public life. Though both authors suggest that a moral consensus must be an aim of public debate and that religion does not equal morality—our political heritage owes a debt to both secularists and people of faith—it is Jacoby who makes the more compelling argument because she is more realistic about human behavior.

Religious convictions often require affirmation because they require seeing without believing. However, the need for affirmation invariably breeds authority, and it is authority that divides the world between "us" and "them." Religious convictions also go hand in hand with attachments to institutions whose very existence is contingent upon the authority they exercise over their constituents.

Having been reared in a devoutly Christian household, I came to see that Christianity has a penchant for seeing itself as *the* example, and I believe this example has a large influence on our democracy's self-perception. Furthermore, this self-perception is perpet-

uated only through the enormous social grip institutions have on their followers. For many, religion isn't simply a spiritual aim; it's an entire culture that requires membership. This culture dominates personal relationships and networks and, most crucially, demands allegiance.

In her book on American secularism, Jacoby correctly suggests that we would not accept a candidate for political office who disavows allegiance to some faith (in America, preferably Judeo-Christian). This is not so much a measure of a candidate's moral rectitude as a measure of our authority: We need to see that a candidate will submit to an entity (God) that is far from complex and that affirms our "example" and our place without question. This propensity makes hypocrites of many (George W. Bush, for example) and bars any avowed secularist from holding public office. This is where Jacoby is more compelling.

I would be most uncomfortable suggesting to a religious person that he or she be silent in public, as Wallis suggests is the case with some on the left. However, I strongly agree with Jacoby's implication that only when persons and movements manage to cultivate public life *outside* authoritative institutions do they demonstrate a loyalty to the collective good and not to parochial interests.

I certainly believe that there are human beings who are capable of checking their religious impulses, but there are far more who cannot break the ties that bind. They risk membership in institutions and its perquisites for so doing.

ALBERT THRELKELD  
Chicago, IL



## Sasha v. Sasha

**S**ASHA ABRAMSKY IS RIGHT that South Africa has a serious crime problem. However, his article "One Nation, Under Siege" [April] is excessively alarmist. Having visited the country nearly every year for the last 15, I can say that Abramsky's account of urban apocalypse simply does not ring true.

Strangely, Abramsky focuses primarily on Cape Town, which he refers to as "phenomenally dangerous." Yet Cape Town is the destination of choice for hordes of Johannesburgers, who move to this comparatively tranquil coastal haven to escape the very real crime plaguing South Africa's largest city. The evening crowds of retirees and families with children strolling leisurely by the seaside hardly befits a city Abramsky characterizes as "the murder capital of the world." Unlike in Rio de Janeiro, where *favelas* line the hillsides of wealthy neighborhoods, the residue of apartheid geography and a 4,000-foot mountain separate Cape Town from the impoverished Cape Flats and other townships on the outskirts of the city. In contrast to Johannesburg, where crime has spread throughout the city, much of the worst crime remains confined outside Cape Town.

Abramsky writes that he drove with his "windows shut tight, the doors locked from the inside, and [his] car permanently in gear," and would then "head out to dinner in heavily fortified shopping malls ringed by armed guards and security barriers." This is precisely the advice tourists and visitors are given when they arrive. Many never leave

their hotels in the heavily gated and terribly dull northern suburb of Sandton, where Johannesburg's stock exchange and other businesses from the central business district have fled. Until my most recent visit, I, too, was cowed into remaining within these gated communities. Yet the truth is that in several parts of Johannesburg, and almost everywhere in Cape Town, one can comfortably drive around in the daytime with windows down and eat in restaurants with tables on the sidewalk, just like in Washington or New York, without being carjacked or shot. Yet it seems that Abramsky didn't see this world at all. And most tourists and visitors never do if they follow the hysterical advice they're given upon arrival.

South Africa's police could definitely do more to fight crime. But even people who spoke in alarmist tones two or three years ago concede that the situation is slowly getting better. Police presence is more visible, and property value in abandoned central Johannesburg is rising for the first time in years. Gradually, the siege mentality is lifting.

SASHA POLAKOW-SURANSKY  
*TAP Senior Correspondent  
Jerusalem, Israel*

**Correction:** Christopher Dreher's "Vast Write-Wing Conspiracy" [August] misidentified Gary Aldrich as a former Secret Service agent. Aldrich was an FBI special agent.

*Letters to the editors should be sent to [letters@prospect.org](mailto:letters@prospect.org) or mailed to The Editors, The American Prospect, 2000 L St., NW, Suite 717, Washington, D.C. 20036.*

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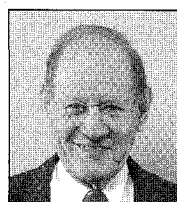
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# Devil in the Details



## THEY WANT YOUR TV

**A**S CURRENT LAW HAS it, the residents of the 16 million American households that still rely on over-the-air broadcasts as their only source of television will awaken on January 1, 2007, to nothing but a snowy screen, as the channels they've relied on for decades all suddenly stop broadcasting. The looming turnoff is the result of a mid-1990s effort to spur the manufacture of high-definition televisions by providing consumers with something to watch. The idea was to give, free of charge, every television broadcaster a second band of frequency on the radio spectrum to be used for digital broadcasts.

In response to criticism that this constituted an extraordinarily large giveaway, the gift was made a temporary one: In 2007 the broadcasters must give back the extra spectrum and move exclusively to digital signals.

In practice, nobody expects Congress to actually go through with the plan. Access to free television is, as one telecom analyst puts it, "the real third rail of American politics." But there's a serious problem with simply delaying the transition date to some uncertain point in the future when nobody relies on analog over-the-air broadcasts. Over the past five years, the United States has

dropped from fourth to 13th place in the International Telecommunications Union's rankings of the most-wired nations, primarily because of a lack of competition. Opening the spectrum to uses other than TV broadcasts is crucial to boosting Americans' Internet access because, as the New America Foundation's Michael Calabrese has testified to Congress, "Access to these low frequencies can reduce the deployment costs for wireless networks by a factor of three or more."

The good news is that the spectrum is so useful that taking it back from TV stations and selling it to other companies could raise a huge sum of money. Depending on how the auction is structured, the government is expected to raise between \$10 billion and \$30 billion. Offering free or subsidized conversion boxes that would allow analog sets to receive digital broadcasts, as congressional Democrats have proposed, would cost far less—somewhere between \$355 million and \$3.6 billion.

Standing in the way, however, are House Republicans led by Energy and Commerce Committee Chairman Joe Barton of Texas, who opposes such subsidies and has instead introduced draft legislation, to be taken up after the August recess, that would simply delay the transition date for two years. Such a postponement merely increases pressure for further

delays in the future.

Meanwhile, the party that mocked Al Gore for suggesting that public policy might have had something to do with the creation of the Internet will have proved to everyone that while legislators may not invent the technologies of the future, they certainly can stifle their creation.

— MATTHEW YGLESIAS

## OUR FEDERALISTS

**W**ITH THE FEDERALIST Society, the right's networking organization for law students and lawyers, back in the news due to the John Roberts membership kerfuffle, many liberals are wondering, Why don't we have one of those?

Well, we do.

It's called the American Constitution Society (ACS), and it's rapidly becoming a force to be reckoned with. The two groups have roughly the same mission: to strengthen the prospects of their favored constitutional principles, both by debating and refining their legal arguments and by establishing a network of similarly minded students, lawyers, judges, and officials.

Nobody could claim the 4-year-old ACS has yet achieved parity with its conservative counterpart, which has a 19-year head start. The ACS' annual convention, held



last month at Washington, D.C.'s Hyatt Regency Hotel, drew some 1,200 guests; the Federalist Society, which hosts separate lawyers' and students' conventions, drew roughly 2,000 attendees between the two.

But the ACS is catching up quickly. It now has chapters at 127 law schools, to the Federalist Society's 180, and it counts twice the number of lawyers' chapters as it did a year ago. Just as the Federalist Society has a reputation for lining up luminous panels featuring heavyweights on both sides of any debate, the ACS convention marshaled a lineup with names like Tribe, Mikva, Biden, and Dellinger—not to mention appeals judges from half the circuits in the country and even George W. Bush's current solicitor general, Paul Clement.

"The ACS convention looked very much like a Federalist convention," said panelist Bradford Berenson, a former associate counsel to President Bush and a Federalist Society member, "just with people with a different general set of beliefs in the audience."

As with all things liberal these days, though, the frustration of an ideology in exile provided a subtext for much of the convention. Although many speakers raised questions about Roberts' suitability for the Court (NAACP President Elaine Jones, for example, raised the specter of

such "brilliant" ignominies as Chief Justice Roger Taney, author of *Dred v. Scott*, and Supreme Court nominee Judah Benjamin, later the Confederacy's secretary of war), few attendees seemed to think he could be stopped.

Amid this grim political reality, the already robust ACS stands as a rare encouraging sign of liberal confidence. "A lot of people came up to me and said, 'This is a pretty depressing time, and you're making us feel optimistic,'" said Lisa Brown, the ACS' executive director. "What more can we ask?"

— JEFFREY DUBNER

## IRAQ, QUANTIFIED

IF YOU'RE A JOURNALIST OR scholar writing about Iraq, chances are good you've come across the Brookings Institution's Iraq Index, a collection of statistics on the country's reconstruction ([www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex)). The data are compiled by senior fellow Michael O'Hanlon, who, along with research assistant Nina Kamp, crunches numbers on the fifth floor of the Brookings building near D.C.'s Dupont Circle. "This is ground zero," says O'Hanlon, 44, in his office on a busy afternoon, 10 days before the August 15 deadline for a new Iraqi constitution, which, like most things involving that country, has become a con-

The percentage of schools that during the 2002-03 school year **flunked the Adequate Yearly Progress (AYP)** standards set by the No Child Left Behind Act were 5 percent in Alabama, 14 percent in Wyoming, 40 percent in Illinois, and 76 percent in Florida ... 99 percent of California schools are **projected to fail proficiency tests** after subjected to 12 years of NCLB policies ... Texas claimed a 91-percent proficiency rate in **mathematics** among eighth-graders before the NCLB assessment ... after AYP standards were put into place, **Texas** had a proficiency rate of only 24 percent ... In 2004, several schools in Houston were found to have falsified drop-out rates to receive bonuses of \$5,000 for principals ... The man in charge of the district, Rod Paige, became President Bush's first-term secretary of education, and Houston became the model for the NCLB ... Since the NCLB was signed into law in 2002, appropriations have been **more and more scarce**, shortchanging the legislation by \$4.2 billion in 2002, \$5.4 billion in 2003, \$7.5 billion in 2004, and \$9.4 billion in 2005 ... This totals nearly \$27 billion **less than promised** over four years ... Projected requests for funding from the Bush administration for fiscal year 2006 **undercut the program** by \$13.1 billion ... The proposed 2006 budget devotes \$56 billion to the Department of Education ... This is a reduction of **half a billion dollars** from FY 2005 and represents about 2 percent of the \$2.57 trillion total proposed budget ... **By contrast**, the Department of Defense would get 16.3 percent and the Department of Homeland Security 11.4 percent of Bush's proposed budget ... School vouchers for the District of Columbia were **repeatedly voted down**, until they were included in Bush's \$328 billion omnibus spending bill ... A California vouchers proposal that **could have cost up to \$1.1 billion** annually was defeated in 2000 in a 71 percent to 29 percent vote ... Milwaukee's school voucher program paid out **\$80 million in vouchers** to 13,000 children in 2003-04 ... This led to **cuts** in state aid to Wisconsin's other 425 districts ... The charter-school program in Ohio doled out 60 contracts to **profit-seeking companies** and opened 15 charter schools before lawmakers appointed an oversight board ... Those 15 schools had first-year test scores that were **dramatically lower** than those of public schools ... A new study shows that, on average, **public schools outperform private schools** in mathematics at every socioeconomic level ... Between 1999 and 2000, only 18 percent of private schools offered a separate **gifted-and-talented program** to their students, compared with 68 percent of public schools.

tentious topic. Administration officials have been pushing for a strict deadline; others have encouraged a more flexible time line; O'Hanlon takes a balanced view.

"The broad strategy of trying to keep to a quick time line is correct," he says. "But if it gets to a point where there's another week of work and they could get to a resolution on how to share oil revenues if they had more time, then it's worth a delay."

It wasn't clear whether Iraqis were going to make the deadline. But one thing is certain: O'Hanlon will be fielding plenty of calls from journalists about the country's progress. That was the idea from the beginning. He created the index on November 14, 2003, because, he says, "I realized that by providing data systematically, you could get people to come to you." It seems to have worked. He now has a quarterly column on *The New York Times* op-ed page, and the Iraq Index is cited regularly in major newspapers and on national television.

The formula is simple:

O'Hanlon compiles statistics from the U.S. Department of Defense and other sources on such indicators as U.S. troop fatalities (1,818, August 2005); typical length of gasoline lines (one mile, January 2005); percent of Iraqis who say they're "hopeful for the future" (65.7, February 2005). Yet he knows the limits of indices.

"I wouldn't want to go to the extreme and say that you can predict the success of the war by using quantitative features," he says. "We made that mistake in Vietnam."

When O'Hanlon isn't compiling data on Iraq, he's working on a book project (with Kurt M. Campbell) to help Democrats hone their position on national security.

"We're getting our butts kicked on this issue," he says. "That's a documented fact."

Spoken like a true statistician.

— TARA MCKELVEY

## METRO FOOD FIGHT

SINCE LATE JUNE, WASHINGTON'S Metro buses and trains have been inundated

by the "Got Lactose Intolerance" ad from Milk-MakesMeSick.org. The advertisement features four individuals seemingly caught in the throes of severe gastrointestinal distress, each scrambling to enter the same restroom, and the ad's text, like a ready-made lawyer joke, informs the lactose intolerant of D.C. that they may have grounds to join a class-action lawsuit against the milk industry.

The advertisements claim that 75 percent of people worldwide are lactose intolerant, and that minorities are even more likely to suffer the effects of lactose intolerance. The statistics regarding minorities explains the geography of the ad buy, which is concentrated on Metrorail's Green Line and the buses from Anacostia to northeast D.C.—the transit routes serving the heaviest nonwhite areas in the District.

A visit to the Web site reveals Milk Makes Me Sick to be a side project of a larger group, the Physicians Committee for Responsible Medicine. The PCRM was founded in 1985 and devotes the majority of its time to anti-animal-consumption efforts. It also heavily advocates vegetarianism or veganism by, among other things, publishing a starter's guide to vegetable diets and promoting its version of the four food groups: fruits, vegetables, legumes, and whole grains.

To the PCRM, all evidence to the contrary notwithstanding, nutritional health can be achieved only in the absence of meat and dairy products—or "dairy crack,"

as Neal Barnard, the organization's director, has called them. Complaints about the business and advertising practices of the meat and dairy industries are clearly just a skirmish in the larger war to promote mainstreamed veganism.

But the PCRM's are hardly the only philosophy-of-food ads adorning the Metro this summer. Abutting them are ones proclaiming that America's obesity epidemic is a mere myth propagated by the "food police." The ad, titled "Obesity Hype," is from the Center for Consumer Freedom (CCF), a Washington-based food-industry front group engaged in a seemingly endless press-release battle with the PCRM. In addition to identifying the PCRM as a "cult" and its "leader," Barnard, as "Dr. Strange-Veggie," the CCF claims that 95 percent of the PCRM's members never graduated from medical school and that the committee has ties to both PETA and to terrorist organizations.

Not too surprisingly, the CCF is a group founded by seed money from Philip Morris and is the primary propaganda arm for the food and dairy industries in the emerging battle over the politics of food. A nonprofit 501(c)(3), the CCF funnels most of its donations directly to Berman & Co., the lobbying firm of the CCF's founder, Rick Berman.

So if you're in Washington and can't find a political debate, take the Green Line and see Big Meat and Big Dairy duke it out with Big Vegan—and wonder where's the party for the rest of us.

— JORDAN KLINE

### TRANSCRIPT

From the August 3 broadcast of the *Focus on the Family* radio show

**James Dobson:** ... [P]eople talk about the potential for good that can come from destroying these little embryos and how we might be able to solve the problem of juvenile diabetes. There's no indication yet that they're gonna do that, but people say that, or spinal cord injuries or such things. But I have to ask this question: In World War II, the Nazis experimented on human beings in horrible ways in the concentration camps, and, I imagine, if you wanted to take the time to read about it, there would have been some discoveries there that benefited mankind. You know, if you take a utilitarian approach, that if something results in good, then it is good. But that's obviously not true. We condemn what the Nazis did because there are some things that we always could do but we haven't done, because science always has to be guided by ethics and by morality. And you remove ethics and morality and you get what happened in Nazi Germany.



# NASTY WEATHER



Don't know why  
Gavels pound up in the sky.  
Nasty weather...

This storm may thunder on forever.  
Now Sandra Day's said goodbye.

Don't know who  
Can determine Roberts' view.  
Foggy weather...  
"I've no philosophy whatever!"  
Until the Senate votes him through.

Don't you know  
He's a bit obscure on Roe.  
Murky weather...  
Right-wing groups blow smoke together.  
So their maneuvering won't show.

Don't know when  
But we'll go through this again.  
Nasty weather...  
Do you think Rehnquist's feeling better?  
Oh, Sandra Day, can't you stay?

# CHRONIC PAIN AND OPIOIDS

## Debunking the Myths: Part 1

### What is chronic pain?

Chronic pain is a progressive disease of the nervous system, caused by failure of the body's internal pain control systems. The disease is accompanied by changes in the chemical and anatomical makeup of the spinal cord. Chronic pain is a malignancy, in the sense that when it goes untreated, it increases in intensity and spreads to areas that weren't previously affected, damaging the sufferer's health and functioning.

### Why treat chronic pain with opioids?

Opioids are substances naturally produced within the body to regulate pain. They are commonly known as endorphins, and recognized as producing the state of euphoria known as the runner's high. Chronic pain victims, who can't produce enough opioids on their own, often benefit from supplementation with pharmaceutical opioids.

### What are the goals of treatment?

1. Lowering of pain levels.
2. Reducing suffering through restoration of functioning in life activities, as close to normal as possible.
3. Arresting and reversing the damage done by chronic pain to the nervous system and overall health of the patient.

### Are opioids dangerous?

When taken as prescribed by your doctor, opioids are among the safest drugs available.

### What about those "Oxycontin deaths" reported in the media?

Oxycontin, like other opioids, is safe for patients who take their medicine as prescribed. "Oxycontin deaths" occur in habitual substance abusers, not patients, and are usually the result of combining the drug with overdoses of alcohol and other drugs. These are deaths associated with Oxycontin, not caused by it, and they are not occurring in patients.

### Will I have to take opioids for the rest of my life?

Opioids can be discontinued whenever they are no longer needed. Patients may recover from chronic pain, and return to active lives.

### Will I get addicted, and how can I tell if I am?

Addiction is defined by the American Society of Addiction Medicine as continued use in spite of harm. Scientific research indicates that opioid addiction in pain patients is rare. If opioids make your life better by controlling pain, you are a pain patient. If they make your life worse, and you continue to use them, you may be an addict.

### Will I have to take larger and larger doses to control my pain?

For most patients, their dose remains stable over long periods of time.

( continued in Part 2 )

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**Common Sense for Drug Policy**

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# Dispatches

*"Former State Department official Richard Haass has already published a book critical of the Iraq War. Colin Powell, where are you?"*

—PAGE 16

## VOICE-OVER AMERICA

*You've read about what Kenneth Tomlinson is doing to public TV. What he's already done to the Voice of America is his other scandal.*

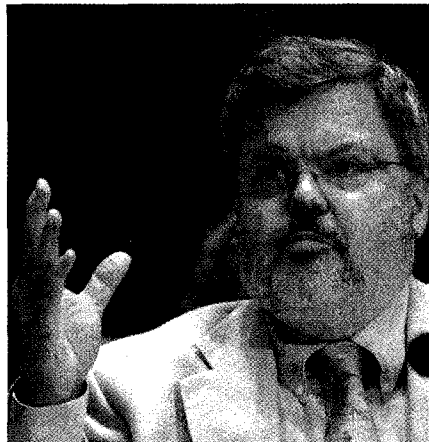
BY ART LEVINE

**T**HE STORY OF KENNETH TOMLINSON's efforts to impose his right-tilting version of "balance" on the Corporation for Public Broadcasting (CPB) has incited national controversy. But while that tale is well-known, Tomlinson's malign influence on another respected media institution, the Voice of America (VOA), has received far less attention.

What's happened at the VOA—which the longtime Karl Rove ally Tomlinson oversees as chairman of the Broadcasting Board of Governors (BBG)—has done considerable damage to the value and credibility of international broadcasting. According to interviews with current and former VOA staffers and e-mails obtained by *The American Prospect*, under Tomlinson's watch, VOA administrators have pressed the agency's journalists to report pro-White House spin and too often directed them to downplay hard-hitting news in favor of puffery.

In June, for example, when the VOA's experienced TV health reporter proposed an exclusive story covering the trial of a malaria vaccine in Kenya by doctors from Walter Reed Hospital, the network's administrators urged her to cover a joint anti-terrorism exercise in Senegal instead—even though the VOA's Pentagon radio correspondent was already assigned to do the piece. Malaria kills 3 million Africans every year, even more than the number killed by AIDS, and 80 percent are children. Yet the VOA's acting news director, Ted Iliff, decided that the Wal-

ter Reed story would be too costly and was "not compelling" enough to send a reporter overseas. The correspondent was instructed to do the terrorism story—despite the Pentagon correspondent's warning that she wouldn't get the visuals needed for good television, which turned out to be accurate.



**Heavy Hand:** Kenneth Tomlinson

So why was the VOA correspondent sent on a pointless and expensive trip to Senegal? A supervisor told her that David Jackson, the VOA director hand-picked by Tomlinson, wanted "to make a good impression on the Pentagon," VOA sources say.

Morale at the VOA has plummeted, with management reportedly censoring critical stories and pushing material that will please the White House and the Pentagon. Says a former high-level staffer, "What's happening at the CPB [under

Tomlinson] has already happened at the VOA—and it's been done by the same people." According to Sanford Ungar, who directed the agency from 1999 to 2001, "The vast majority of people in the VOA newsroom believe there is political pressure of the sort that there hasn't been in decades."

**T**HE VOICE OF AMERICA IS ONE OF seven international broadcasting organizations overseen by Tomlinson, who was appointed chairman of the bipartisan Broadcasting Board of Governors in August 2002. A former executive editor of *The Reader's Digest*, he was also appointed to the Corporation for Public Broadcasting in 2000 and selected as the BBG's chairman by President Bush in 2003. He will leave that post in September, but his troubled management of international broadcasting will continue.

Contrary to the mistaken assumption of some in Congress and the media, the purpose of the VOA is not to spread propaganda for the U.S. government (that remains the province of Fox News). The 63-year-old agency is supposed to win respect for American values and appeal to its overseas audience—numbering around 100 million—by offering a model of honest and credible journalism.

At today's VOA, however, staffers are instructed to avoid original, candid reporting about violence in Iraq in favor of more uplifting news. Current and former staffers say that management demands "positive stories" about the war, while discouraging more realistic ones that might conflict with administration policy.

In his down-home Virginia drawl, the amiable Tomlinson denies imposing any political agenda at the CPB or the BBG. "People like Jim Lehrer would never let that happen," he told me in a recent interview, praising Lehrer's *NewsHour* as a model broadcast. Pointing to his background as a VOA director during the Rea-

gan years, when he claims to have resisted political pressures, Tomlinson says, "If I did see any [political interference], I'd be doing something about it."

Yet critics say he's encouraging politicization with the approval of a board that was meant to prevent such meddling. "What was supposed to be a firewall to protect broadcasters," says Ungar, "has become a vehicle for political interference."

Other former and current VOA staffers charge that Tomlinson's own bias is all too obvious. Among the few willing to speak publicly about the agency's troubling direction is retired VOA deputy director Alan Heil Jr., author of the definitive *Voice of America: A History*. Of the agency's jour-

ners, whether explicit or indirect, and that you were carrying out the wishes of the White House and Ken Tomlinson ..."

Tomlinson and Jackson deny conferring about specific stories or taking orders from White House officials, although there is no doubt that Jackson is following the board's wishes. His approach to coverage of the Iraq War has been particularly controversial within the agency, where he stands accused of cutting real war coverage to push good-news gush.

In an e-mail obtained by the *Prospect*, Jackson urged coverage of expanded cell-phone service in Iraq. "This story offers so many angles," he wrote. "CELL PHONE SERVICE COMES TO IRAQ. Improvements

agency sources, but he kept demanding that the story be pursued—even after U.S. military officials in Baghdad no longer claimed any link, and the VOA's reporter on the ground had explained that the al-Qaeda connection was "bullshit."

Jackson claims he was unaware of the skepticism at the VOA and in the media about Salman Pak. When he finally learned the story didn't check out, he says, "That was the end of it."

Such incidents have created an atmosphere of self-censorship and partisan domination, according to Tim Shamble, president of the VOA local in the American Federation of Government Employees. "Reporters are under the impression that they should produce news favorable to the administration and the Iraq War," he says. Democratic board members have become so concerned, according to BBG sources, that they've pushed the board for an outside review to determine whether the VOA is complying with its charter.

### ***A reporter wrote to her boss: "Many staff members at VOA believe ... that you were carrying out the wishes of the White House and Ken Tomlinson."***

nalists, Heil says, "The most valued asset they had was their credibility, but now there's gross interference in their journalistic integrity."

Heil says that he has observed a level of daily interference in editorial decisions under Jackson that hasn't existed since the early and mid-'50s. Complaints about political slanting have been detailed in a recent stinging article and letter in *Foreign Affairs* magazine written by Ungar, as well as in internal e-mails obtained by the *Prospect* and extensive interviews with current and former VOA journalists.

Jackson dismisses the critics as "people who think editing is censorship." While he defends the agency's practices as sound journalism, however, it is clear that the warping of the VOA's integrity has deprived overseas audiences of credible news stories. The agency's propaganda slant has resulted in such Pravda-style embarrassments as this recent headline on the VOA Web site: "U.S. Supports Democratic Aspirations of All People in the Mideast."

In a letter widely circulated within the VOA offices near Capitol Hill, video reporter Carolyn Weaver upbraided Jackson: "There is no doubt that many staff members at VOA believe that news and features have been politicized on your or-

in telephone service are helping Iraq re-integrate into the international community and paving the way for the new economy.... Source: Coalition Provisional Authority, Baghdad." He sent similar messages promoting coverage of improved postal service and teacher training, passing out releases from the White House or the Coalition Provisional Authority.

Jackson says he merely suggested worthwhile story ideas, just as he sends along ideas from *The Washington Post* or National Public Radio. "Nobody accuses me of having an NPR agenda," he says.

His critics also point to Jackson's insistence on a dubious story about Salman Pak, a reputed terrorist training camp near Baghdad. Prior to the March 2003 invasion and for weeks afterward, some military officials believed the site was linked to al-Qaeda, providing much-needed justification for the war. By May 2003, however, when Jackson began pressing the VOA TV unit for coverage, *The New Yorker* and others had discredited the story.

"Nobody believed it except the Rush Limbaugh wing, but Jackson kept hounding radio and television people to cover it," recalls a VOA staffer. Editors sought to wave Jackson off the story, according to

UNDER TOMLINSON, THE VOA HAS been undermined in other ways. The agency has cut back 24-hour English-language broadcasting by nearly half to save money, thus depriving the world's educated population of American news in the leading international language. Meanwhile, nearly \$70 million that the BBG spends annually on ambitious new Arabic-language services—formerly provided in some degree by the VOA itself—has largely been wasted on an "embarrassment," according to Middle East experts such as former Ambassador William Rugh.

As a result of the political meddling and wrongheaded decisions under Tomlinson's board, Heil argues that the nation's flagship broadcast network is being stripped of influence, reach, and credibility. The VOA historian warns, "America is jamming itself." **TAP**

*Art Levine is a Washington Monthly contributing editor who has also written for The New Republic, The Atlantic Monthly, U.S. News & World Report, The Washington Post, Slate, Salon, and other national publications.*



## FIRST DO SOME HARM

*Physicians and psychologists are now taking part in interrogations. But are they following their professions' rules, or the military's?*

BY TARA MCKELVEY

**M**OHAMMED, A 36-YEAR-OLD graduate of Baghdad University's College of Art, says he was examined by an American physician in a detention facility near Baghdad International Airport shortly after being arrested in late 2003. "The doctor said, 'Maybe you have a bullet wound you are not aware of,'" recalls Mohammed, sitting in a hotel room in Amman, Jordan, with a journalist and two American attorneys a year later. "I said, 'Do you want me to take off my pants?' He said, 'No, I'll just lift up your pant leg.'"

The physician pronounced Mohammed fit and ready for interrogation. But if the physician had been familiar with the ethical guidelines of the American Medical Association (AMA), he would have known that what he'd done was in violation of the AMA code, which states that "physicians should not treat individuals to verify their health so that torture can begin or continue." And if the physician had remained in the vicinity after conducting a medical exam, he would have heard the screech of a horn blasted next to Mohammed's ear. Mohammed, who was released without charge on January 6, 2004, now suffers from hearing loss (his eardrum was ruptured) and has scars on his wrists from being manacled.

This physician is among dozens of doctors, psychiatrists, and psychologists who have taken on an entirely new role in the U.S. military. Their newly defined activities—which include examining detainees before they're subjected to harsh interrogation techniques, preparing interrogation plans, and even participating in some interrogations in which detainees may be harmed—raise questions about whether or not health professions should play such a role in the military's intelligence-gathering efforts. There has been little public discussion of the sub-

ject, and much of the debate at the AMA and at the American Psychological Association (APA) has taken place behind closed doors—in some instances, with a number of military officers helping to guide the discussions.

**P**HYSICIANS IN CHILE, IRAQ, ARGENTINA, and other countries have been asked in past decades to participate in interrogation and torture sessions. The use of medical personnel and psychologists in U.S. interrogations, however, is a phenomenon that has emerged only in the global "war on terror." Physicians and psychologists were initially assigned to this duty, according to a recent U.S. Army report, at Guantanamo Bay, Cuba, in 2002 and in Iraq in December 2003.

The report, which looked at detainee medical operations in Afghanistan, Iraq, and Guantanamo Bay, was based on interviews with 993 medical personnel and released by U.S. Army Surgeon General Kevin C. Kiley on July 5. Forty-eight medical personnel interviewed for the report say they were present during an interrogation in Iraq. Seven individuals say they provided medical care to an Iraqi detainee to allow the questioning to continue, including one individual who supplied IV fluids to a suspect who was dehydrated. Seventy-two medical personnel say they witnessed, documented, or were told about abuse in Iraq.

The author of the report, Major General Lester Martinez-Lopez, recommends that physicians and psychiatrists not be used in interrogations. Yet in a cover letter, Kiley rejects that recommendation. A senior Department of Defense official, speaking on background because the subject is "still under scrutiny," says he believes physicians and psychiatrists will continue to be used in interrogations because they have special knowledge of

human behavior and provide a "safety valve" for interrogations that could otherwise spin out of control. "Not to use them would be irresponsible," he says.

It's true that the presence of physicians and behavioral scientists may help to curb any sadistic streak an interrogator might possess. In addition, the desire among physicians, psychiatrists, and psychologists to help protect the homeland from terrorist attacks is understandable. The AMA has clearly condemned the use of torture in public statements. But some human-rights activists have criticized the organization for not going far enough. "I would have liked to see the AMA take a stronger stand to address the specific allegations of medical complicity that have surfaced," says Leonard S. Rubenstein, executive director of Physicians for Human Rights, which promotes worldwide health and human rights.

An AMA spokeswoman says she believes the association has addressed the subject forcefully. In June 2005, the AMA reaffirmed its support for the ethical treatment of detainees, she says, and encouraged medical schools to include "ethics training" on the issue. "As a result of media coverage regarding allegations, the AMA has provided its policy to the Department of Defense," she writes in an e-mail. "AMA policy regarding physician participation in torture and/or abuse of prisoners is very clear—it is unethical and unacceptable."

With regard to the American Psychological Association, the situation is a bit murkier. The APA issued a report on "psychological ethics and national security" in June. The statement says psychologists can participate in interrogations if they follow military standards—despite the fact that some experts say certain interrogative techniques used by the U.S. military violate international law.

"They say it's OK to follow the military's interpretation of the law even though the military is interpreting the law in a perverse way, allowing techniques that are considered to be torture," says Rubenstein. Adds Robert Jay Lifton, a visiting professor at Harvard who's written extensively on the relationship of the medical professions to the state: "The

# CHRONIC PAIN AND OPIOIDS

## Debunking the Myths: Part 2

( continued from Part 1 )

### **Will I get high, or lose control?**

When opioids are taken on a regular schedule, tolerance quickly develops, and the psychological "high" goes away, leaving the user feeling completely normal. Long-term opioid users, as a group, have driving records for accidents and violations that are the same as everyone else's.

### **Will I hurt myself because I don't feel any pain?**

No. Opioids improve functioning by reducing pain levels. They don't remove all the pain, or the ability to perceive new pain.

### **Will I become dependent?**

You may. Dependence means that if opioids are abruptly discontinued you will have a physical withdrawal reaction, similar to having the flu. This reaction can be prevented by gradually tapering off the medication. Dependence is a physical phenomenon, not a sign of addiction.

### **What if I had a previous substance abuse problem?**

This should not prevent a trial of opioids. Studies at Harvard Medical School and the University of Washington indicate that a past history of substance abuse has little or no predictive value for failure of opioid treatment. If you have current behavioral or substance abuse problems, you may appear to have trouble with opioid treatment.

### **Are there any side effects?**

Constipation, nausea, itching, insomnia, and drowsiness commonly occur. All of these side effects can be successfully managed.

### **Will the medicine damage my liver?**

No. Opioids occur naturally in the body, and are not harmful to any organ system. They can be taken safely for a lifetime, if necessary. Anti-inflammatory nonopioid medication, on the other hand, kill 16,500 patients each year through bleeding from the stomach, and are toxic to the liver and kidneys.

### **What is the correct dose?**

The amount that allows optimal functioning is the correct dose. There is no upper limit to the dose of opioids that can be safely used, when the medicine is increased gradually.

### **Why won't my doctor prescribe enough medicine to control my pain?**

He is too scared. As part of the War on Drugs, law enforcement is conducting a witch-hunt against pain doctors who prescribe opioids compassionately. Most physicians won't risk being targeted by law enforcement, because they have families to support. As a result, chronic pain sufferers have become non-combatant casualties in the war on drugs.

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**Common Sense for Drug Policy**

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**Mike Gray, Chair; Robert Field, Co-Chair**



statement sounds to me a bit scandalous because it fails to respect the traditional standards of being a psychologist. All this has to do with an increasing militaristic tendency in this country and a pressure on people to accept what are seen as military needs and to have them supercede ordinary ethical codes."

Dr. Stephen Behnke, director of the APA's ethics office, sees it differently. "If you take a look at the report," he says, "it uses four words to characterize the process: 'Safe. Legal. Ethical. Effective.' I think people feel if the interrogation process is safe, legal, ethical, and effective, it's both appropriate to be involved and that psychologists have a role to ensure it remains that way."

Interestingly, those same four words also appear in the Army report's description of Behavioral Science Consultation Teams, which use "forensic psychological expertise and consultation to assist the command in conducting safe, legal, ethical, and effective interrogation and detainee operations." The echo may result from the fact that, of the task force's 10 members, five have either a national-security background or work for the Army. Colonel Morgan Banks, director of the Psychological Applications Direc-

torate, U.S. Army Special Operations Command, at Fort Bragg, North Carolina, consults with "Army psychologists providing interrogation support," according to a biographical statement on the APA Web site and confirmed by the military, and another, Colonel Larry C. James, chief of the Department of Psychology at Tripler Army Medical Center in Honolulu, Hawaii, served as chief psychologist at Guantanamo Bay in 2003 and as director of Abu Ghraib's Joint Interrogation and Debriefing Center in 2004.

"I'm not saying they acted in bad faith," says Rubenstein. "But they ended up with people who were part of the interrogation apparatus."

As long as physicians, psychiatrists, and psychologists are involved in interrogations, say human-rights experts, ethical challenges will remain, both for them and for lay people concerned about their role in society.

"I would emphasize the vulnerabilities of psychiatrists and psychologists to this kind of behavior—both because they're sought out for it and also because they're drawn to it," says Lifton. "Just because they're healers, not everything they do—or are asked to do—has a healing function." **TAP**

commissions on which he and Hamilton have both repeatedly been called to serve over the years. Andreae told me that in his experience, "bringing people together from different points of view" can help create a "process that leads to the best idea."

Bipartisanship is all well and good, and certainly the town needs an organization of heavyweights that can provide a counterweight to neoconservatism. The PSA will advance the former cause. And while it's not likely, with this many Republicans aboard, that the PSA will issue scorching denunciations of the Bush administration, it could help shift the center of gravity in the foreign-policy debate.

**T**HE GROUP IS PREPARED TO FOCUS on seven issues: bolstering the commitment to justice and civil liberties around the world; reforming the United Nations and re-engaging with allies; halting the proliferation of nuclear, chemical, and biological weapons material; enhancing homeland-security preparedness; reducing the national debt; gaining energy independence; and addressing global poverty, disease, and underdevelopment.

Good ideas all. So good, in fact, that it begins to make one wonder where the bipartisanship comes in. Anyone familiar with liberal thinking on national-security policy will immediately recognize that these are precisely the questions *Democrats* think the country needs to answer. A look at the list is a reminder of the basic reality that bipartisanship is not an agenda.

The point was proven about a year ago, when a structurally similar group, whose membership is likewise "limited to those in private life" and whose Web site forswears "ties or obligations to any administration or political party," announced its formation. Like the PSA, the Committee on the Present Danger (CPD) deliberately harkened back to the forging of a bipartisan consensus in the early days of the Cold War. The CPD is dominated by neoconservatives, with a few hawkish Democrats like Joe Lieberman and former Director of Central Intelligence James Woolsey providing token bipartisanship. This form of bipartisanship—in essence, Democrats getting rolled—has become

## THE GOOD FIGHT

*The new Partnership for a Secure America represents the good kind of bipartisanship. But is bipartisanship enough to dislodge the neocons?*

BY MATTHEW YGLESIAS

**O**UTSIDE THE NATIONAL PRESS Club on the morning of August 3, the Washington summer was as hot and oppressive as ever. But inside, Warren Rudman and Lee Hamilton, two grizzled veterans of the national-security world, called for cool at the launch event for a new group dedicated to ending "the partisan rancor in Washington" on foreign-policy issues.

Their new group, the Partnership for a Secure America (PSA), will be run by Jamie Metzl, a former Clinton State Department official and aide to Democratic Senator

Joe Biden, and Chip Andreae, formerly chief of staff to Senator Richard Lugar, Biden's Republican opposite number on the Senate Foreign Relations Committee. The event packed a room with reporters offering polite skepticism about the prospects of bringing calm to a polarized nation, Rudman, a former senator, asserted that "nothing that's worth doing is necessarily easy."

Bipartisanship was the watchword of the day. Rudman says the group's hope is "to issue a number of papers on specific issues" in the manner of the blue-ribbon

depressingly familiar throughout the Bush years (think of the “bipartisan support” for George W. Bush’s tax cuts, tort “reform,” and so on).

The PSA, by contrast, reverses that cosmology: Now, it’s Republicans who’ve signed on to an essentially Democratic agenda. The PSA advisory board is, as Metzl observed, “evenly divided among Democrats and Republicans,” featuring people like Rudman and moderate Republican elder statesmen Howard Baker, John Danforth, Lawrence Eagleburger, and Thomas Kean, who represent the realist orientation traditionally adhered to by American conservatives.

On the Democratic side, the PSA’s advisory board includes Samuel Berger and Richard Holbrooke, the two most likely contenders for secretary of state in a future Democratic administration, along with Warren Christopher, one of the two living Democrats to have held the job. The PSA’s also got former Clinton administration Secretary of Defense William Perry.

Bipartisanship on these terms is something liberals can embrace. Thus, a certain element of partisanship would seem inevitably to sneak in through the back door. Bolstering this interpretation, the only attention paid to the project by the right after its launch was a dismissive cartoon by militant hawk Chris Muir, while the PSA’s main source of funding is the nonpartisan but liberal Century Foundation (note: Century also provides some funding to the *Prospect*).

**F**OR PUBLIC CONSUMPTION, AT LEAST, talk of any such sub-rosa agenda is denied. Rudman wouldn’t answer my question on the subject of neoconservatism, going so far as to refuse either to accept or reject the notion that the Bush foreign policy shows heavy neocon influence. Metzl observed that the group’s ideas would likely alienate some people on the left as well as the right—which is true, but ignores the reality that left-wing views are marginal in the Democratic Party while more right-wing ones dominate today’s GOP.

A muted tone is the price that needs to be paid to get some prominent Republicans on board. The price, however, may prove to be a high one. “I don’t think the

motivating factor behind what Warren and I are doing here is to sharply criticize the Bush administration or any particular action the Bush administration has taken,” Hamilton said. But how is one to change the status quo without criticizing the people responsible for creating it?

Take one of the items on the group’s list, energy independence. Hamilton said at the press conference that we have not solved that problem in part “because of the extent of the partisan divide.” But this is mistaken. Energy legislation recently passed the Congress and was signed by the president. It does nothing to move the country away from reliance on fossil fuels—not because of a partisan divide but because the Republican leadership doesn’t want those things.

Up and down the PSA agenda, the landscape looks similar. The trouble is not a failure of will or technical know-how but

the absence of a genuine desire on the part of the Bush administration to act on these issues. Under the circumstances, a reduction in the level of partisan rancor, while a laudable long-term goal, seems unlikely to provide much of a short-term cure. The country needs, if not more rancor, then at least a more robust opposition party.

Rudman said such worries ignore the PSA’s emphasis on helping “bring the parties together over the long term.” A source involved in forming the group says he was pleasantly surprised by the Republican members’ willingness to get on board, and their participation may embolden Democrats and moderate Republicans alike to offer the voters a more robust debate on national security than the country has seen in years. Former State Department official Richard Haass has already published a book critical of the Iraq War. Colin Powell, where are you? **TAP**

## POP-AGANDA

*A question for Karen Hughes: Why is the administration peddling the kind of schlock to the Arab world that it’s always denouncing at home?*

BY GARANCE FRANKE-RUTA

**I**N EARLY MARCH, GEORGE W. BUSH named his longtime adviser Karen Hughes the administration’s undersecretary of state for public diplomacy and public affairs. Apparently, it’s a woman’s job: She was the third to be named to that post since September 11. At her confirmation hearing, she spoke in familiar terms about the daunting task of repairing America’s image in the world, and chose, like the women who preceded her, to emphasize the need to reinvigorate public diplomacy.

Her predecessors made little progress. Madison Avenue public-relations executive Charlotte Beers, appointed shortly after 9-11, lasted until March 2003, during which time she earned the criticism of the press, members of Congress, and foreign governments for her slickly produced (and expensive) television advertising campaign about American Muslims. State Department veteran Margaret Tutwiler, who took up the mantle of public diplo-

macy in December 2003, was gone within seven months amid reports that she’d found the position frustrating.

Like Tutwiler, Hughes is starting by embracing the high-minded ambitions of the department’s road map, the October 2003 report *Changing Minds, Winning Peace: A New Strategy for U.S. Public Diplomacy in the Arab & Muslim World*. That report was produced under the leadership of Edward Djerejian, a former ambassador with a long diplomatic career in mostly Republican administrations. It recommended a major strategic shift in America’s public-diplomacy efforts, suggesting a new cabinet-level White House special counselor, the reactivation of a dormant interagency policy coordinating group at the National Security Council, and more than 500 new area experts with strong language skills at the State Department—plus financing, which the report called “absurdly and dangerously



inadequate,” for all of them.

Djerejian says he has been advising Hughes “rather intensively” and considers her appointment the equivalent of the cabinet-level position the report requested, given her close ties to the president. “It is my full expectation that once Karen Hughes walks into that office, she’s going to hit the road running,” says Djerejian, who directs the James A. Baker III Institute for Public Policy at Rice University.

**Y**ET DESPITE HUGHES’ REPUTATION for being a communications attack dog, she may have no more luck than her predecessors. The main reason is that the real mover of international opinion about America is American foreign policy, which remains stunningly unpopular and which Hughes will be largely unable to alter from her new post. Even so, there are reasons intrinsic to the public-diplomacy effort that don’t help.

For starters, the administration’s pro-America campaigns under her purview are promoting a highly commercial, lowest-common-denominator American pop culture to which much of the Arab and Muslim world already has access. Further, what made Hughes a canny GOP operative—her experiences as a suburban mom and intuitive understanding of American rhetoric—may not make up for her lack of expertise in Arab or Muslim affairs. Finally, critics ask, can an administration that has turned its disdain for elite American culture into a virtual way of life promote that very same culture abroad?

International stereotypes aside, American culture is a diverse affair that makes room for Mozart, Motown, and Moby alike. But the GOP has turned American high culture into a target, the product of shady Eastern elites, big-city liberals, and tenured radicals.

Indeed, since the mid-1990s, America has engaged in a kind of unilateral cultural disarmament, as spending on public diplomacy in the post-Cold War world was slashed. The U.S. Information Agency, founded in 1953, was eliminated by the Republican Congress in 1999, and by 2002, the State Department’s own internal estimates showed it spending just \$25 million a year on public-diplomacy outreach to the

entire Arab and Muslim world (*after 9-11*). “To say that financial resources are inadequate to the task is a gross understatement,” *Changing Minds* concluded.

Hughes sketched out an ambitious agenda at her Senate confirmation hearing, laying out a program of engagement, education, exchanges, and empowerment. But even if she succeeds at shaking up the bureaucracy, she’s unlikely to make more significant public-diplomacy inroads. Though born in Paris and raised abroad initially, Hughes’ specialty in America has been attacking other Amer-

a kind of American alternative to Arabic news network Al-Jazeera, and has been met with decidedly mixed reviews in the Arab world, where suspicion of government-backed television channels is high.

Other recent efforts are likewise not clear winners. The Voice of America’s Arab radio edition was eliminated in 2002 in favor of a new venture, Radio Sawa, a lifestyle channel broadcasting a mix of American and Arab pop music for a less talk, more schlock approach. Critics dub the approach “pop-agenda”; a report drafted by the State Department’s

***The number of books translated in the Arab world since the ninth century is about 100,000, almost the average that Spain translates in one year.***

icans. Hughes helped Bush win two terms in office at considerable cost to his credibility; 50 percent of the nation thinks he is dishonest, according to an August Associated Press–Ipsos poll. Winning campaigns divisively and at the cost of tremendous dissatisfaction among political minorities may work here, but overseas, campaigns that demonize are likely to have very different consequences.

What’s more, the newest programs Hughes has inherited for her public diplomacy, and which she’s pledged to support, mostly promote pop culture—precisely the cultural products most likely to irritate Arab and Muslim traditionalists (just as they do social conservatives at home). New radio shows, a television station, and an Arab-language magazine all focus on disseminating the popular and the lowbrow at the expense of more educational materials.

The Arab-language monthly *Hi* magazine, produced since 2003 for the State Department, has pitched America as a gee-whiz futuristic society whose consumers are obsessed with the latest gadgets and peculiar dating strategies. No joke: *Hi* magazine recently featured a story on the “Dinner in the Dark” dating service, and another on Flexcars, whose relevance to, say, tribal areas of Pakistan is open to some serious question. TV station Al-Hurra was launched in 2004 as

inspector general in 2004 found that the \$22 million a year channel “failed to present America to its audience.”

**D**JERERIAN’S REPORT SUGGESTS THAT translating books into Arabic and focusing on educational and cultural exchanges could be more important to Arab American understanding in the long term than providing better access to Britney Spear’s latest hit. The issue of books is especially salient. According to a 2002 report published by the United Nations Human Development Programme and the Arab Fund for Economic and Social Development, “The Arab world translates about 330 books annually, one-fifth the number that Greece translates. The cumulative total of translated books since the Caliph Maa’moun’s time (the ninth century) is about 100,000, almost the average that Spain translates in one year.” By contrast, right now, most Arab and Muslim societies already have access to a wide array of Western pop-cultural products, just like those promoted by the State Department, via radio, DVDs, and the Internet.

Will stories about Americans dating in the dark make the Arab and Muslim worlds feel listened to? More than likely, even with Hughes at its helm, American public diplomacy will still be grasping in the dark for a way out of the present anti-American moment. **TAP**

# How Times Have Changed

BY ROBERT S. MCINTYRE

**B**ACK IN THE LATE 1970S, WHEN GASOLINE PRICES zoomed and oil companies were making money hand over fist, our government enacted a windfall profit tax to return some of those unjustified gains to the public that was paying for them. Today, as gasoline prices

have again skyrocketed, the federal government's reaction is exactly the opposite: add to the excess profits of energy companies with new tax concessions, paid for by ordinary American taxpayers.

Back in April, in a rare moment of economic sanity, President Bush noted the obvious fact that "with \$55 oil, we don't need incentives to oil and gas companies." By August, however, Bush had reverted to form, signing a 1,725-page energy bill premised on the notion that the free market doesn't work so well after all. Apparently, \$55 per barrel of oil was the magic number. At \$64 a barrel, energy subsidies are once again needed.

The Energy Policy Act of 2005 includes billions of dollars in tax breaks and grants to oil, ethanol, coal, nuclear, and (to a much lesser degree) renewable-energy interests. Its enactment reflects classic pork-barrel politics in the worst sense. In both the House and Senate, the vote was not so much party line as regional—reflecting where the pork was doled out.

To illustrate, nearly half of the Republican "no" votes in the House came from one state, Florida, both of whose senators, one Republican and one Democrat, also opposed the bill. It seems that Florida got stiffed on subsidies—as did Massachusetts, whose 10 representatives and two senators (all Democrats) voted unanimously against the measure.

In contrast, all of the Democratic senators in 15 states voted for the bill, in-

cluding those in six states—Arkansas, Hawaii, Illinois, Michigan, North Dakota and West Virginia—where the Democrats hold both seats. These votes reflected handouts for things like coal, ethanol, chicken poop, or, in the case of Michigan, lack of action on vehicle mileage standards.

Ethanol, by the way, is already subsidized at 50 cents to \$1 per gallon, but still can't compete without governmental assistance. Generating electricity from wind, garbage, and chicken waste has been subsidized since the Carter administration, yet these "infant industries" never seem to grow up enough to stop sucking on the public teat. Environmentalists are always telling us that their favored alternative-energy sources will be able to stand on their own feet once fossil-fuel prices get high enough. When will we ever see that day?

House Energy and Commerce Chairman Joe Barton offered the most Orwellian defense of the package, arguing that "this bill is based on the premise that we believe in private free-market capitalism to develop the resources of this land in a cost-efficient fashion." In an almost equally weird assessment, Senator

Kay Bailey Hutchison claimed, "We need to make domestic-oil and gas-exploration projects cost-competitive."

Other senators and representatives unabashedly praised the bill's subsidies for their local interests. For instance, Senator Max Baucus joined his state's Democratic governor, Brian Schweitzer, in touting an otherwise uneconomic coal process. "Developing this state-of-the-art technology will usher in ... hundreds of new high-paying jobs for Montanans," Baucus said.

A spokesman for the American Petroleum Institute summed up the anti-market spirit of the bill: "If you don't provide the relief, nothing will happen," he said. It's reminiscent of an old *Doonesbury* cartoon in which an oilman's wife tells him it's time to go to work. "I just don't have any incentive," he whines. "I don't even have enough incentive to get out of bed."

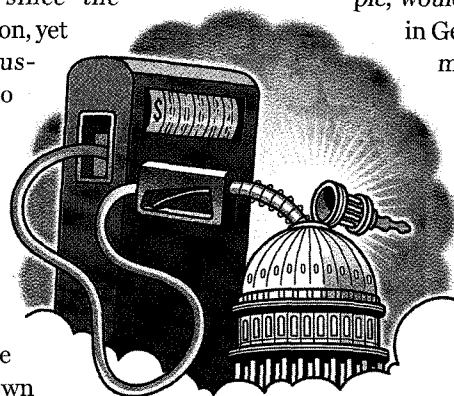
Officially, the energy bill's giveaways are supposed to cost \$14.6 billion over the next 10 years, offset in part by \$3.1 billion in higher gasoline taxes on consumers. But that doesn't include the bill's \$70 billion in authorized but unfunded subsidies, for which cash will have to be appropriated later. One of those, for example, would fund oil exploration

in Georges Bank, the enormous (and already struggling) fishing area off the coast of Nantucket. A spokesman for Bush's Mineral Management Service dismissed environmental concerns about this item, telling *The Boston Globe* that "we're being asked

to do something, but we're not provided any money to do it with." Not yet, that is.

At bottom, the energy bill proves the iron rule of politics as it's practiced these days: Those with the most money are first on the list to be given still more. It stinks. **TAP**

*Robert S. McIntyre is the director of Citizens for Tax Justice.*







## Their War, Too

*Are mere pundits responsible when an administration's policy goes wrong? When their sophistic arguments helped sell and sustain it, very.*

BY HAROLD MEYERSON

**I**N THE INFORMATION AGE, WARS ARE NOT MADE BY governments alone. This is especially true of wars of choice. When America has been attacked—at Pearl Harbor, or as on September 11—the government needed merely to tell the people that it was our duty to respond, and the people rightly conferred their authority. But a war of choice is a different matter entirely. In that circumstance, the people will ask why. The people will need to be convinced that their sons and daughters and husbands and wives should go halfway around the world to fight a nemesis that they didn't really know was a nemesis.

That's why a war of choice is different. A war like the Iraq War, whose public support before the idea was seriously discussed started out well below 50 percent, needs to be sold—"marketed," as White House Chief of Staff Andrew Card once put it—needs, well, marketers.

And, in the information age, an administration can't, and doesn't, market alone. It takes an army of salespeople—it takes a village, you might say—to accentuate the positive. And when an administration spreads demonstrable lies and falsehoods, or offers "evidence" that can't be wholly refuted but for which there



is nevertheless no existing proof, it takes that same army to stand up and say: "Yes! These assertions are true! Those who deny them are unpatriotic, or simpletons, or both!" And finally, when the war goes terribly, terribly wrong, that same army is called to the ramparts one last time, to say, in a fashion that approaches Soviet-style devotion: "Things are in fact going well! The insurgency is dying! Abu Ghraib is not a scandal! Saddam Hussein *did* have ties to al-Qaeda; you just don't know it yet!" And so on.

For its war in Iraq, the Bush administration relied on and benefited from the cheerleading of a group of pundits and public intellectuals who, at every crucial moment, subordinated the facts on the ground to their own ideological preferences and those of their allies within the administration. They refused to hold the administration's conduct of the war and the occupation to the ideals that they themselves professed, or simply to the standard of common sense. They abdicated their responsibilities as political intellectuals—and, more elementally, as reliable empiricists.

They went far beyond just making the kinds of mistakes that pundits make. I'm a pundit, too; I know the game. We're wrong more often than we'd like to acknowledge. But these pundits

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***They were wrong about the single most important matter that can be put before the people. They ceased being intellectuals and became apologists.***

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weren't merely incorrect about, say, the likely outcome of welfare reform. They were wrong—colossally wrong—about the single most important matter that can be put before the American people. Indeed, they were more than wrong—they ceased being intellectuals and became apologists.

The delusions for which they were apologizing weren't only the administration's; they were their own as well. There was an odd sort of integrity to their dishonesty; they believed (most of them did) all the theories that justified the war. But they didn't present these theories as theories. They presented them—misrepresented them—as facts.

Yet by some curious code of Beltway etiquette, the war hawks are still sought out for their judgments on war and peace, geopolitics, and military and political strategy. They are, in varying degrees, the journalistic equivalents of Donald Rumsfeld—authors of disaster, spared from accountability, still bewilderingly in place. Herewith, five of the top offenders.

#### **WILLIAM KRISTOL: THE STRATEGIST**

Since 1998, it's been *Weekly Standard* Editor Kristol who's argued most persistently that getting rid of Saddam Hussein should be the central goal of U.S. foreign policy. So even before the debris of 9-11 had settled, Kristol—like his longtime neoconservative compatriot Paul Wolfowitz, and, indeed, like the president himself—saw an opportunity to take the coming war to Iraq. "I think Iraq is, actually, the big unspoken elephant in the room today," Kristol said on National Public Radio's *All Things Considered*

the day after the attacks. "There's a fair amount of evidence that Iraq had very close associations with Osama bin Laden in the past."

In the months following the attack, Kristol wrote and spoke about Hussein's arsenal with exquisite attention to detail, however fictitious those details were to prove. On NPR's *Talk of the Nation* that October, for instance, he said, "We know that over the last three or four weeks, he has moved many of his chemical and biological weapons programs in preparation for possible U.S. attacks."

As intra-administration battles raged among the hawks in the Pentagon and the more cautious voices at the CIA and the State Department, Kristol seized every opportunity to undermine the credibility of those who failed to appreciate that Hussein was the source of all danger. On November 19, 2001, he and his sometimes co-author Robert Kagan wrote, "Iraq is the only nation in the world, other than the United States and Russia, to have developed the kind of sophisticated anthrax that appeared in the letter sent to Senate Majority Leader Tom Daschle. What will it take for the FBI and the CIA to start connecting the dots here? A signed confession from Saddam?" Whatever else Kristol and Kagan may be, the heirs to Holmes and Watson they are not.

During the war itself, Kristol turned his attention to the shape of a post-Hussein Iraq. Characteristically, he dismissed nettlesome complexities that did not bolster his case for war, substituting a more comforting, albeit inaccurate, analysis of his own. "There's been a certain amount of pop sociology in America ... that the Shia can't get along with the Sunni and the Shia in Iraq

just want to establish some kind of Islamic fundamentalist regime. There's almost no evidence of that at all," he reassured NPR listeners in April 2003. "Iraq's always been very secular."

Such misrepresentations of reality lead naturally to their spawn: making excuses when things don't go according to plan. Kristol consistently downplayed the disasters that attended the U.S. occupation. Of the then-unfolding Abu Ghraib scandal in May of 2004, Kristol told Fox News viewers that "it is insane for this country to be obsessed about a small prisoner-abuse scandal." And this January, while he did forthrightly deplore the U.S. mistreatment of prisoners at Guantanamo Bay, Cuba, he introduced to the world a whole new standard of legal and moral culpability by explaining that neither George W. Bush nor Alberto Gonzales, then the White House counsel who drafted the new prisoner policies (he's now attorney general), were responsible because they never "ordered that these things be done!"

#### **CHARLES KRAUTHAMMER: W.'S MAGGIE**

Of all those public voices urging the overthrow of Hussein on Bush, the most insistent and hectoring was columnist Charles Krauthammer's. Krauthammer was to George Bush Junior what Margaret Thatcher had been to George Bush Senior, whom she famously instructed, as he was considering his response to Hussein's invasion of Kuwait, "Don't go wobbly." That, in fact, was the headline of one Krauthammer column during the run-up to war; it could justly have been the headline to a dozen such columns.

*Continued on page 21*



# THE AMERICAN Prospect

LIBERAL INTELLIGENCE

**SPECIAL REPORT**  
SEPTEMBER 2005

## BREAKING THROUGH

New hope for delinquent kids, as states reject  
adult-style prisons in favor of more effective alternatives



Barry Krisberg  
Jeffrey Fagan  
David L. Marcus  
Ayelish McGarvey  
Katy Reckdahl  
Ellis Cose  
Peggy Townsend  
Sam Rosenfeld



**SPECIAL REPORT  
JUVENILE JUSTICE**

*Delinquent children are not just small criminal adults. A decade after the super-predator myth, conservatives and liberals are rediscovering that alternatives to children's prisons can work far more effectively. This special report, prepared in collaboration with the JEHT Foundation, explores the heartening resurgence of the reform ideal. For further resources, see [www.movingideas.org](http://www.movingideas.org).*

- A2 Barry Krisberg** revisits the goal of treating delinquent children as capable of redemption, and its surprising comeback. **Jeffrey Fagan** offers evidence from brain science and developmental psychology.
- A8 Communities Helping Kids** Why diversion, outreach, and counseling programs serve troubled children—and society—better than prisons. *By David L. Marcus*
- A12 A Culture of Caring** How the “Missouri model” became the gold standard of juvenile-justice reform in America—and the inspired leader who got it there. *By Ayelish McGarvey*
- A15 Bayou Betterment** Louisiana's youth-detention system, long considered among the meanest in the nation, gets a radical makeover. *By Katy Reckdahl*
- A19 Ellis Cose** on race, redemption—and gaping disparities in juvenile justice today; **Peggy Townsend** on Santa Cruz, California's inspired reforms; **Sam Rosenfeld** on the “criminalization” of juvenile mental illness and the kids caught in the crossfire.

*Cover illustration by McDavid Henderson*

## Reforming Juvenile Justice

*A century ago, reformers proved that prisons don't help wayward children. Now America is learning that lesson all over again.*

**BY BARRY KRISBERG**

**I**N 1899, ILLINOIS AND COLORADO established a new “Children's Court.” The idea was to substitute treatment and care for punishment of delinquent youths. These changes were promoted by child advocates such as the famous social activist Jane Addams and crusading judges like Denver's Ben Lindsey, as well as influential women's organizations and bar associations. Over the next 20 years, the concept of a separate court system for minors spread to most states. Although the new children's court movement lacked adequate resources to fulfill its lofty mission, the intellectual promise was virtually unchallenged for two-thirds of the 20th century.

Several key assumptions lay behind the juvenile-court idea. First, children were not just “small adults,” and they needed to be handled differently. Second, there was a need for specially trained legal and correctional professionals to work with minors. Third, placing children in adult prisons and jails made them more antisocial and criminal. And finally, the emerging science of rehabilitation could rescue many of these troubled young people from lives of crime. In the intervening years, a wealth of research has validated each of these premises.

Despite broad support within the academic, legal, and social-work professions, the ideal often failed to live up to its promise. Over time, the juvenile-justice system in many states reverted to the punitive approach it was designed to replace. Though they were often called “training schools,” the institutions were juvenile prisons. And the premise that the court, by definition, was acting “in the best interest of the child” left young offenders without the rights guaranteed to adult criminal defendants. There were repeated accounts of abusive practices. The duration of confinement was often

unrelated to the severity of the offense. Juvenile hearings were usually secret, with no written transcripts and no right to appeal. Minors were not provided legal counsel, there were no safeguards against self-incrimination, and offenders were denied liberty without the due process of law guaranteed by the U.S. Constitution.

A series of legal challenges culminated in the landmark 1967 Supreme Court decision *In Re Gault*. Writing for the Court, Justice Abe Fortes proclaimed, “Under our Constitution, the condition of being a boy does not justify a kangaroo court.” Reviewing the case of 15-year-old Gerald Gault, who was sentenced to six years in an Arizona youth correctional facility for making an obscene phone call, the Court decreed that minors be afforded most of the due-process rights required in adult criminal courts.

*Gault* signaled a new era of reforms. One was a movement to divert as many youths as possible from the formal court system and to decriminalize “juvenile status offenses” such as truancy, running away, curfew violations, and incorrigibility. The 1970s witnessed widespread efforts to deinstitutionalize or “decarcerate” youngsters, moving them from secure detention centers and training schools to community-based programs that emphasized education and rehabilitation.

The most dramatic example came in 1972 in Massachusetts, where a respected reformer closed all of the state juvenile facilities and started over. Jerome Miller had been recruited to the state Department of Youth Services (DYS) to clean up a range of scandals and abuses. He encountered an intransigent bureaucracy. Corrections officers opposed even such modest reforms as letting youngsters wear street clothing instead of prison uniforms, or not requiring that their heads be completely shaven. Undeterred, Miller



decided to close down the state's network of jail-like training schools. As the young inmates of the notorious Lyman School were loaded onto a bus that would take them to dorms at the University of Massachusetts, to be housed temporarily until being reassigned to community programs, one top Miller deputy proclaimed to the shocked guards, "You can have the institutions; we are taking the kids."

The training schools were replaced with a diverse network of small residential programs, typically with 25 children or fewer, located closer to the youths' home communities. A range of nonresidential programs included day reporting centers and intensive home-based supervision. The DYS continued to operate about half of the most secure facilities. Private nonprofits were recruited to run the rest, as well as all of the community-based programs.

Although Miller left Massachusetts soon after becoming the department's youth-services commissioner, the Bay State continued to expand and refine the alternatives to the old prison-like training schools and never reopened the large juvenile institutions. Research by Harvard Law School and my organization, the National Council on Crime and Delinquency, showed that the Miller reforms successfully reduced the frequency and severity of new offenses of youth in the new programs compared with the training-school graduates.

As the Massachusetts model spread to many other states, Congress in 1974 created the federal Juvenile Justice and Delinquency Prevention Act, with bipartisan backing. The act established a federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct research, provide training, and make grants to states and jurisdictions that voluntarily complied with the act's mandates. The new law required participating states to remove status offenders and dependency cases from secure confinement, and to separate juveniles from adults by "sight and sound" in correctional facilities. In 1980, the act was amended to require that participating states remove minors from jails. Forty-eight states participated.

Miller went on to implement variations

of his Massachusetts reforms in Pennsylvania and Illinois. Other states that broadly followed Miller's model included jurisdictions as politically diverse as Utah, Missouri, and Vermont. Often, publicity about abusive conditions in state facilities and lawsuits in federal courts catalyzed these reforms. From 1980 into the 1990s, Colorado, Indiana, Oklahoma, Maryland, Louisiana, Florida, Georgia, Rhode Island, and New Jersey were among states that began closing large, prison-like youth facilities. For a time, it appeared that the Miller reforms would become the "gold standard" for juvenile corrections, as the federal OJJDP provided training and support to jurisdictions seeking to replicate the Massachusetts approach.

***The much-advertised generation of super-predators never materialized. After 1993, serious juvenile crime began a decade-long decline to historically low levels.***

**THE INVENTION OF THE "SUPER-PREDATOR"**

The rejection in some quarters of a reform model reflects both ideological preconceptions and misinformation about juvenile crime. Rates of serious violent juvenile crime as measured by the National Crime Survey were relatively constant between 1973 and 1989, then briefly rose by more than one-third and peaked in 1993. Some cited demographics, as the children of the baby boomers reached their teenage years. Others pointed to an epidemic of crack cocaine that fueled urban violence, as well as high unemployment and declining economic prospects for low-skilled workers, especially among minority groups. No one really knows for sure. But fear of a violent juvenile crime wave led some to predict a new cohort of "super-predators." Conservative academics such as James Q. Wilson and John DiIulio and a small band of mainstream criminologists such as Alfred Blumstein and James Fox forecast societal disaster. Wilson predicted "30,000 more young muggers, killers, and thieves"; DiIulio in 1990 foresaw another 270,000 violent juveniles by 2010. He warned of a "crime bomb" created by a generation of "fatherless, godless, and jobless [juvenile] super-predators."

The media hyped the story, and many elected officials exploited it. The citizenry was told about a generation of babies, born to "crack-addicted" mothers, who would possess permanent neurological damage, including the inability to feel empathy. The scientific evidence supporting this claim was nonexistent. More than 40 states made it easier to transfer children to adult criminal courts. Educators enacted "zero-tolerance" policies to make it easier to expel youngsters from school, and numerous communities adopted youth curfews. Many jurisdictions turned to metal detectors in public schools, random locker searches, drug tests for athletes, and mandatory school uniforms.

The panic was bipartisan. Every crime

bill debated by Congress during the Clinton administration included new federal laws against juvenile crime. Paradoxically, as Attorney General Janet Reno advocated for wider and stronger social safety nets for vulnerable families, President Bill Clinton joined congressional leaders demanding tougher treatment of juvenile felons, including more incarceration in both the adult and youth correctional systems.

However, the much-advertised generation of super-predators never materialized. After 1993, rates of serious juvenile crime began a decade-long decline to historically low levels. And this juvenile-crime drop happened before the tougher juvenile penalties were even implemented. The fear-mongering social scientists had based their dire predictions on grossly inaccurate data and faulty reasoning, but the creators of the super-predator myth prevailed in the public-policy arena throughout most of the '90s. As we approached the centennial of the American juvenile court, it looked like the juvenile-justice ideal was dying.

**THE IDEAL OF JUVENILE JUSTICE SURVIVES**

Despite adverse political currents, the juvenile-justice ideal has received a new

lease on life thanks to pioneering efforts by states and by foundations, as well as the continuing programmatic influence of the federal approach begun in the 1970s and expanded during the Clinton-Reno era.

One key initiative of the federal OJJDP is known as Balanced and Restorative Justice. This approach, now embraced by many jurisdictions, places a major value on involving victims in the rehabilitative process. By coming to terms with harm done to victims, the youthful offender is also offered a way to restore his or her role in the community.

The second significant federal program is the Justice Department's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, first adopted in 1993. The research showed that a very small number of offenders committed most serious juvenile crimes, and that identification and control of these "dangerous few" was key. However, unlike the response to the supposed super-predators, this strategy does not call for an across-the-board crackdown on at-risk youth. A comprehensive body of research assembled by two senior Justice Department juvenile-justice officials, John J. Wilson and James C. Howell, showed that prevention was the most cost-effective response to youth crime, and that strengthening the family and other core institutions was the most important goal for a youth-crime-control strategy.

The proposed comprehensive strategy was adopted by Reno as the official policy position of the Justice Department in all matters relating to juvenile crime, and the program was successfully implemented in more than 50 communities nationwide. The basic idea was to help local leaders build their youth-service systems to provide "the right service, for the right youth, at the right time." This collaborative planning process helped policy-makers and professionals to debunk the myths about juvenile crime and to learn about interventions that were proven, as well as to foster more cooperative activities among multiple agencies. Most important, the effort showed community participants how to effectively respond to juvenile lawbreaking without resorting to mass-incarceration policies.

A third major national reform movement was launched by the Annie E. Casey Foundation in 1992. The goal: to reduce the overuse of juvenile-detention facilities and to redirect funding toward more effective services for at-risk youngsters. The foundation also sought to improve the conditions of confinement for detained youth and to reduce the overrepresentation of minority youths in detention.

The Casey Foundation approach required a multiagency planning process and included the development of improved risk screening, expansion of options for most detained youths, and efforts to expedite the processing of cases. After initial demonstration projects, the foundation has expanded the program to scores of communities. It also offers technical assistance and convenes an annual meeting. At the last such convening, in San Francisco, more than 700 people from across the nation gathered to discuss ways to further reduce unnecessary juvenile detention. The original demonstration project has led to a vibrant national movement, which includes high-quality replication manuals and a documentary, plus academic and professional publications.

These approaches all require collaborations among many sectors of the community. They all employ data and evidence-based practices to guide the reform agenda. Diversity is recognized as vital because one-size-fits-all programs usually fail. Instead, they seek to create a comprehensive continuum of appropriate services. Preventive strategies and early interventions are viewed as far more cost-effective than punitive approaches. All these programs place a great emphasis on involving youth, plus their families and neighbors, in shaping solutions. The core values of the juvenile-justice ideal continue to live. Like the reform impulse of a century ago, the goal is to commit the juvenile-justice system to pursuing the best interests of the child, to strengthening family and community solutions to youth misconduct, and to emphasizing humane and fair treatment of the young.

In spite of the promise embodied in approaches like these, unlawful and brutal practices continue to plague youth correctional facilities in many states. Some

jurisdictions are being investigated by the federal government for statutory and constitutional violations of the rights of institutionalized minors. In other locales, advocates for young people are successfully litigating against youth detention and corrections facilities. At the same time, the political hysteria surrounding the super-predator myth appears to be in remission. The chorus is growing to reject approaches such as youth correctional boot camps or "scared straight" programs that use prison visits to try to frighten youngsters away from criminal lives. While some of these dangerous programs continue to exist, many jurisdictions have shut them down. There is growing awareness about the prevalence of mental illness among institutionalized youngsters and the emergence of several initiatives to better meet their health-care needs.

This year's most positive development was the Supreme Court's decision to end the death penalty for those younger than 18 at the time of their offense. But this progress does not minimize the severe problems of the juvenile-justice system. Funding for services for troubled young people in the juvenile-justice and child-welfare systems remains woefully inadequate. Young people still do not have anything resembling adequate legal representation. Too many continue to be banished to the criminal-court system and languish in adult prisons. And racism, sexism, and class biases continue to tarnish the promise of equal justice for all.

#### THE WAY FORWARD

This *American Prospect* special supplement includes reports from places as diverse as California, Texas, New Mexico, Missouri, and Louisiana. All suggest that reform coalitions, often with strange bedfellows, can acknowledge the superiority of the reform approach and change practices that dehumanize young people and fail to reduce juvenile crime. By now the evidence is clear: Small, community-based approaches that stress prevention, education, and restitution rather than prison-like punishment are simply better policy. At the same time, as Ellis Cose recounts, racial disparities remain immense. And as Sam Rosenfeld reports, far too many children



who need mental-health services are being dumped into the juvenile-justice system.

Given the overwhelming evidence that reform works, why is there continuing resistance? The answer to this question is complex. First and foremost, since the mid-'60s, crime policy in the United States has been heavily politicized. Democrats and Republicans have competed to position themselves as tough on crime. Being perceived as soft on juvenile offenders is considered a political liability. Second, the media continue to exaggerate the amount of violent crime committed by minors. Isolated stories about vicious crimes that are committed by very young adolescents are widely disseminated and become the grist for talk radio and other media commentary. The simplistic solution has been that tough responses to juvenile crime will deter youthful offenders.

Resistance to proven juvenile-justice models often comes from public-employee unions that fear the loss of jobs as traditional youth correctional facilities are downsized and some funding goes to community-based organizations. Also, severe state and local budget problems have led to a retrenchment in needed services, even as more innovative juvenile-justice models could actually save money. In some locales,

organizations purporting to represent families of crime victims have lobbied for tougher penalties for juvenile offenders.

Progressive reforms are often undercut by entrenched biases about the predominantly poor and minority families caught up in the juvenile-justice system. These racial, ethnic, and class prejudices are too often reinforced by media reports that breed fear among the electorate about the "barbarians at the gates." As long as economic and fiscal pressures fuel anxiety over immigrants, the increased competition for jobs, and the deteriorating public-school system, it will be hard to generate compassionate and rational responses for youthful lawbreakers.

Jerome Miller once observed that the history of juvenile justice reflects a pattern of abuse and scandal followed by humanistic changes, but then a return to the previous conditions and bad practices. In a new millennium, one can only hope that proponents of the juvenile-justice ideal can figure out how to end this tragic cycle. **TAP**

*Barry Krisberg is president of the National Council on Crime and Delinquency, which is based in Oakland, California.*

sharply contrasting ideas about adolescents who break the law—their immaturity and culpability, whether they can be treated or rehabilitated, the security threats they pose, and the punishment they deserve. Sending a youth to adult criminal court usually is irreversible, and it often exposes young lawbreakers to harsh and sometimes toxic forms of punishment, not to mention more unsavory peer influences that in many cases have the perverse effect of increasing criminal activity.

In the original juvenile-court reform movement, as historian David Tanenhaus has noted, there was a presumption of "childhood"; only the most incorrigible youths were transferred to the adult criminal court, and the decision was made by the judge. Had Anthony's case arisen during the first three-quarters of the 20th century, he would almost certainly have remained in the juvenile court. But in the past 30 years, our assumptions have come nearly full circle, as states have decided that more adolescents like Anthony belong in adult criminal court.

This push to treat more kids as adults, however, is contradicted by new behavioral and biological research about maturity and criminal culpability, as well as evidence from the criminal-justice system about how adult court affects children. Brain development and the social psychological skills that it controls suggest that kids are actually immature far longer than we previously thought. My own research, and that of others, suggests that kids put into the adult system are likely to have worse outcomes.

## Adolescents, Maturity, And The Law

*Why science and development matter in juvenile justice*

BY JEFFREY FAGAN

**A**NTHONY LASTER WAS A 15-YEAR-old eighth-grader with an IQ of 58 who was described by relatives as having the mind of a 5-year-old. One day in 1998, shortly after his mother died, Anthony was hungry, so he reached into the pocket of another student in his Florida middle school and took \$2 in lunch money. The boy's family reported the crime to the authorities, and the local prosecutor, Barry Kirscher, decided to prosecute Anthony as an adult. It was Anthony's first arrest. He spent the next seven weeks—including his first Christmas since his mother died—in an adult

jail waiting for his court date.

Anthony's story, reported by *60 Minutes II*, is, sadly, familiar. Every day, judges and prosecutors make complex decisions about whether young offenders should be tried as juveniles or adults. Sometimes the choice is made in a retail process repeated daily in juvenile courts or prosecutors' offices; at other times, the choice is made, wholesale, by legislative fiat in a process far removed from the juvenile courts.

These choices reflect deeply held assumptions about the nature of teen crime, how society should react to it, and adolescence itself. The two court systems reflect

### CRIME, LAW, AND MATURITY

Historically, the courts' algebra of maturity was based mainly on social norms and popular legal comfort zones for other adult functions, such as driving, voting, marrying, and signing contracts—typically 18, though occasionally 16. Juvenile courts assumed that young offenders similarly are not fully responsible for illegal behaviors. Because they were immature, they had "room to reform" before reaching adulthood. Juvenile courts also were designed to avoid both the stigma of a criminal conviction and exposure to the toxic influences of adult punishments.

They emphasized treatment and education more than punishment, "in the best interests of the child."

Until recently, judges decided which youths were immature and "amenable to treatment" on a case-by-case basis, applying a series of criteria that were elevated from the norms of everyday practice to a set of constitutionally sanctioned standards identified in *Kent v. U.S.*, the landmark 1966 Supreme Court case that grappled with the concepts of "maturity" and "sophistication." Judges relied heavily on the evaluations of social workers



whose recommendations were usually persuasive to the juvenile court. Repeated appearances in juvenile court signaled to the judge that this kid needed tougher punishment or stronger treatment than the juvenile court could provide. Judges usually waived high-profile cases into adult criminal court, in part to avoid political criticism of the juvenile court itself.

As fears of a juvenile-crime epidemic rose in the 1970s, state legislatures across the country started to take away judicial discretion by carving out large sectors of the juvenile-court population—as young as 13 years of age—and removing them to the criminal court. In some states, the power to send a teenager to the criminal court was transferred from juvenile courts to prosecutors. And several states changed the rules to make juvenile offenders show why they should not be transferred.

#### DEVELOPMENT, IMMATURITY, AND CULPABILITY

The recent push to lower the age threshold for treating juvenile offenders as adults assumes that adolescents are no different from adults in the capacities that comprise maturity and hence culpability, and that they have adult-like competencies to understand and meaningfully participate in criminal proceedings.

But the new science reliably shows that adolescents think and behave differently from adults, and that the deficits of teenagers in judgment and reasoning are the

result of biological immaturity in brain development. The adolescent brain is immature in precisely the areas that regulate the behaviors that typify adolescents who break the law. Studies of brain development show that the fluidity of development is probably greatest for teenagers at 16 and 17 years old, the age group most often targeted by laws promoting adult treatment.

Teens at these ages tend to be poor decision-makers when it comes to crime. They often lack the several elements of psychosocial development that characterize adults as mature, including the capacity for autonomous choice, self-management, risk perception, and the calculation of future consequences.

For example, in laboratory experiments and studies across a wide range of adolescent populations, developmental psychologists show that adolescents are

risk-takers who inflate the benefits of crime and sharply discount its consequences, even when they know the law. Adolescents take more risks with health and safety than do older adults, such as having unprotected sex, driving drunk, and engaging in other illegal behaviors. Adolescents are more impulsive than adults and insensitive to contextual cues that might temper their decisions. They lack the capacity for self-regulation of either impulses or emotions, and their tendency toward sensation seeking often trumps both self-regulation and social judgments or risks and consequences.

Adolescents also are far more prone to peer influence, often burying considerations such as legality, consequences, or risk. Their desire for peer approval can shape their behavioral decisions even without direct coercion. Peer influence interacts with risk taking and impulsivity to compound bad decisions: Recent studies have shown that people generally make riskier decisions in groups than they do alone. In a new study by psychologists Margo Gardner and Laurence Steinberg, teenagers took far more risks in a simulated-driving game called "Chicken" compared with persons over 18, and risk taking was greater when peers were present. Adolescents typically overstate rewards and underestimate risks. Imagine how this plays out in the decision to commit crimes, especially in the company of peers.

#### TEEN BRAINS

Advances in neuropsychological research have produced a new body of knowledge showing that teen brains remain immature through early adulthood. These new studies have zeroed in on the areas of the brain where impulsivity, risk taking, and poor social judgment are regulated. Because adolescent brains are not fully developed, they do not achieve critical mechanisms of impulsivity and behavioral control until perhaps age 20 or beyond.

Beginning in the early 1990s, new forms of brain scans called "functional" MRIs provided images of brain functioning during tasks such as speech, perception, reasoning, and decision making. In one study, Dr. Jay Giedd, a neurologist at the National Institute of Mental Health,



used this type of MRI to track the individual brains of 145 children and adolescents over a 10-year period into young adulthood. These studies showed that the frontal lobe, especially the prefrontal cortex, is maturing and developing dramatically during the teen years. Dr. Elkhonon Goldberg of the New York University School of Medicine shows that this is the region of the brain associated with decision making, planning, cognition, judgment, and other behavioral skills associated with criminal culpability. Dr. Nitin Gogtay, a psychiatrist at the National Institute of Mental Health, and his team used longitudinal MRI studies with subjects from ages 4 through 21 to show that the frontal lobe is one of the last areas of the brain to reach maturity.

It is not just brain or lobe size that matters. Using MRIs with groups of young people over time into early adulthood, professor Elizabeth Sowell of the University of California, Los Angeles and her colleagues have shown that during the period when cognitive functioning is improving in the frontal lobe, gray matter thins in a process of “pruning” that allows for tight connections to be built among the remaining neurons, in effect completing the circuitry that ties together impulsivity, control, and judgment. This pruning, which begins around age 11 in girls and 12 in boys, continues into the early or mid-20s, particularly in the prefrontal cortex, an area associated with “higher” functions such as planning, reasoning, judgment, and impulse control.

This evidence was an important part of the U.S. Supreme Court’s 2005 decision in *Roper v. Simmons* to ban executions of offenders who were younger than 18 when their crimes were committed. The science was presented to the Court in a brief from the American Psychological Association, which showed maturation continued through late adolescence in the brain regions that control essential behavioral functions linked to legal and popular conceptions of culpability. The Court ruled that it is cruel and unusual punishment to execute persons whose capacity for control and deterrence is compromised. Neither side in *Roper* challenged the scientific evidence, as they had in earlier decisions on the juvenile death penalty.

#### IMMATURITY, PUBLIC SAFETY, AND COURTROOM COMPETENCE

Adult court places juveniles in a very different legal context, and some of the developmental deficits of immaturity that make them less culpable may also make them less competent defendants and unreliable witnesses. Their immaturity makes them less likely to understand their rights and less able to make meaningful and informed decisions to help in their defense. Immature decision-makers are vulnerable to waiving their rights or to making statements without a lawyer present, even when they know their rights.

Experimental evidence and case autopsies show that adolescents may be prone to false confessions owing to their immaturity and collateral factors such as their suggestibility and vulnerability to coercion. It’s no surprise, then, that adolescents are overrepresented among defendants who give false confessions during police interrogation, including the five defendants below age 17 in the Central Park jogger case. In one study, teenagers ages 15 to 16 were far more likely, compared with young adults 18 to 26, to confess to a mock crime when presented with false evidence of their guilt.

To some observers, the evidence of developmental psychology and brain science is less than conclusive. Few people doubt that the brains of 13-year-old teens differ from the brains of 25-year-old adults. But the research doesn’t make the types of age-graded distinctions that the new waiver laws make, especially in the critical age span of 14 through 19. For example, Sowell reports average results for groups that span a wide age range—comparing teens ages 12 to 16 with adults ages 23 to 30. The legislatures and the courts are much more concerned with the fine distinctions of 15 versus 16 versus 17 years of age. Nor are the results as reliable as advocates might wish. For example, we know next to nothing about how brains react under real-world conditions of threat, arousal, or peer provocation.

Still, the new developmental and neuropsychological research has strong value and importance for laws that funnel adolescents wholesale into the adult courts. Some adolescent offenders may

have reached a threshold of maturity by 17 consistent with recent legal conceptions of maturity-culpability, but many others won’t. The answer to this dilemma is neither surgical exclusions by legislators from juvenile court nor unregulated prosecutorial discretion to get maximum punishments. The remedy is to rely on case-by-case assessments by judges, much as the early juvenile courts did in deciding which youths were so incorrigible as to warrant expulsion from the juvenile court.

While brain science does not tell us all we need to know about every case, the evidence of what happens to adolescents removed to the adult criminal-justice system is all too clear. Several studies in the past decade—in Florida, New York, New Jersey, Minnesota, Idaho, and other states—show that re-arrest and re-incarceration rates are significantly higher for adolescents tried and punished in the criminal court compared with matched groups of teenage offenders who remained in the juvenile court. For example, comparing 15- and 16-year-old adolescents in the adult criminal court in New York with matched groups of comparable kids in the juvenile court in New Jersey, I showed, in two different studies 10 years apart, that the New York kids treated as adult criminals were re-arrested faster, more often, and for more serious crimes, and more often were returned to prison. The evidence is most clear in the case of violent crimes, the very crimes that threaten public safety and erode confidence in the courts. These are robust findings, based on good science that shows consistent results across a variety of research settings.

As legislatures move toward placing increasingly younger teens in adult criminal court, social and biological evidence suggests moving in the other direction. It’s time for the law to change course and follow the science. **TAP**

*Jeffrey Fagan is a professor at Columbia University, a member of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, and vice chair of the Committee on Law and Justice at the National Research Council.*

# Communities Helping Kids

Why diversion, outreach, and counseling programs serve troubled children—and society—better than prisons

BY DAVID L. MARCUS

**W**ITH THE TEMPERATURE CREEPING ABOVE 97 degrees in Austin, Texas, Melissa Barlow hurtles along Interstate 35 in a Toyota Corolla, the air conditioner blasting. It's a Thursday in June, and she has a tight schedule. Barlow supervises caseworkers in an innovative program that helps youthful offenders stay at home—instead of prison—while attending school, undergoing drug treatment, getting career training, and finding jobs. All these kids are referred, either by courts or by probation officers, as an alternative to incarceration.

Although it's still morning, it has already been one of those days. A caseworker Barlow oversees is out of town; a second called in sick at 6 a.m. Now Barlow has less than an hour to arrive at the other end of Austin in order to prepare a teenager named Elena for a job interview and get her there on time.

In the 21st-century tech-and-tourism boomtown of Austin, traffic can be fierce. Barlow won't have time to dally with Elena; she needs to visit nine other teenage parolees in their homes. The rounds will last another six hours—and that's assuming all the clients are where they're supposed to be at the appointed times.

As Barlow cruises up I-35, the downtown glitters to the west, outside the driver's side. A cloudless sky frames the new 33-story Frost Bank Tower, the city's tallest, and the graceful brick towers of the University of Texas, which has an endowment of nearly \$10 billion. Just beyond the campus is the state Capitol, home of Governor Rick Perry, who's quoted in today's newspapers expressing regret that the Supreme Court has forced him to commute the sentences of 28 minors from death row.

To the east rises the jagged, low-lying silhouette of the other Austin—the unglamorous, strip-malled capital that tourists don't see. Barlow swings east off the highway, past pawn shops and shuttered motels, past parched lawns and parked trucks that sell tacos to gardeners and house painters. She swings into a subsidized housing complex, a mass of pale blue vinyl siding and whitewashed cinder blocks.

She arrives at a first-floor apartment without a number and knocks on the door. There's no doorbell. No one answers.

She knocks loudly this time. The metal-reinforced door

opens to reveal an apartment with the curtains drawn. A fan roars in a corner. A young teenage boy sleeps on a couch. The room's dominant feature is a television hooked into VHS and DVD players. Elena, eyes downcast, greets Barlow. Elena doesn't trust many adults, but she likes Barlow's agency, the Southwest Key Program, and its Outreach and Tracking project.

Elena desperately needs a job. Her father moved away when she was in middle school. By age 13, Elena was fighting with other girls, pummeling her older brother, smoking cigarettes laced with embalming fluid, having sex and hanging out with a gang called LC, or Los Cholos. She has run away from home, gotten into fights with classmates, gotten high on cocaine, crack, and rubber cement. She cycled in and out of the juvenile-justice system more times than she remembers. In a desperate moment, she head-butted a policeman who was called to halt a quarrel at her apartment. Now, three years later, she shows up at 6 a.m. every weekday for her court-ordered community service at the YMCA. She's stopped the fights, the drinking, and the drugs—but she's pregnant and single.

Barlow asks Elena if she knows the address of the place where she's applying for the job. She does. Barlow asks if she needs a bus pass to get back home. She does. Elena is dressed in slacks and a loose navy-blue top that conceals her belly quite well. While she doesn't want to lie to employers, she also doesn't want to advertise the fact that she's seven and a half months pregnant.

"OK," Elena says in a voice that's barely above a whisper. Heading for the Toyota, she flashes a tentative smile. "I'm ready." By day's end, Barlow learns that Elena spent more than an hour interviewing for a \$9-per-hour job at a calling center—and got turned down. It will take more than one job interview for Elena's story to have a happy ending. But Elena will keep at it. The outreach program, she says, has taught her to sort out priorities. "All every kid wants is for someone to help them, pay attention to them," she adds.

**I**N TOO MANY STATES, THE MODEL FOR JUVENILE JUSTICE is still stunningly simple: Get young offenders into court, find them guilty, then lock 'em up. On a typical day, more than 120,000 minors are in detention across the United



States—enough to fill every seat in Madison Square Garden at a Knicks game six times over. Here in Texas, second only to California in youth detentions, locking up adolescents is a growth business: The number of beds in juvenile-detention facilities more than doubled in the past decade, from about 1,600 to more than 4,200.

Yet a growing chorus is challenging this model. Public defenders, criminologists, and even some outspoken judges are increasingly questioning the traditional belief that a community needs to ship off wayward kids to exact punishment and protect itself. There's a backlash now, a new way of thinking: Kids should stay in the community and the services should come to them. The critics often cite three reasons. First, the majority of youthful offenders are not guilty of violent crimes that warrant incarceration. Second, the system ensnares a disproportionate number of minorities. Third, and most important, juvenile detention doesn't work.

Southwest Key Program Inc. is the creation of Juan Sanchez, who grew up in a rough-and-tumble barrio in Brownsville, Texas, hard by the Rio Grande. After getting scholarships that took him to the University of Washington and later Harvard for a doctorate in education, he returned to south Texas to run a residential treatment center for boys in trouble. Sanchez, now 57 years old, had visited outreach programs in other states, and he kept wondering why troubled kids were sent away from the very families, workplaces, and neighborhoods that they were going to have to deal with. In 1987, he started a program to bring services to teenagers in a neighborhood of San Antonio. These days, Southwest Key has expanded to eight states, from Georgia to Wisconsin; its Outreach & Tracking project operates 45 programs in 30 cities.

"Taxpayers want to believe that juvenile facilities will get the kids cleaned up, give them skills, and build their characters," says Sanchez. "It's like we bless these kids with holy water and send them back into the world hoping they'll be model citizens. Instead, it's the complete opposite: Kids coming out of the facilities are angrier, tougher, more aggressive, more violent, and more difficult to turn around."

Experience has taught states a truism: The younger offenders are when they first go through the system, the more likely they are to keep coming back. The Texas Youth Commission, which runs juvenile detention centers, found that 53 percent of those released from youth facilities are re-arrested within a year. That jibes with a nationwide Department of Justice study that reported 80 percent of youthful offenders convicted of serious offenses were arrested for another crime within three years.

In Texas, two-thirds of juvenile arrests are for drug or property crimes and other offenses that don't involve violence. But a zero-tolerance attitude here and across the country means that these first-time offenders are usually sent to rough, overcrowded juvenile facilities. "The goal ought to be reintegrating a juvenile, preparing him for gainful employment and healthy relationships,

and showing him how to be a responsible citizen," said Temple University psychology professor Laurence Steinberg, director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. He says nearly 95 percent of juvenile offenders probably shouldn't be locked up, leaving only the violent, chronic criminals held in secure facilities.

Incarcerating juveniles, Steinberg says, leads to two unwanted effects: It gives them an expanded antisocial network and it derails their normal psychological development. Rather than learning self-reliance, they become dependent. Rather than finding positive role models, they learn from the most dangerous criminals.

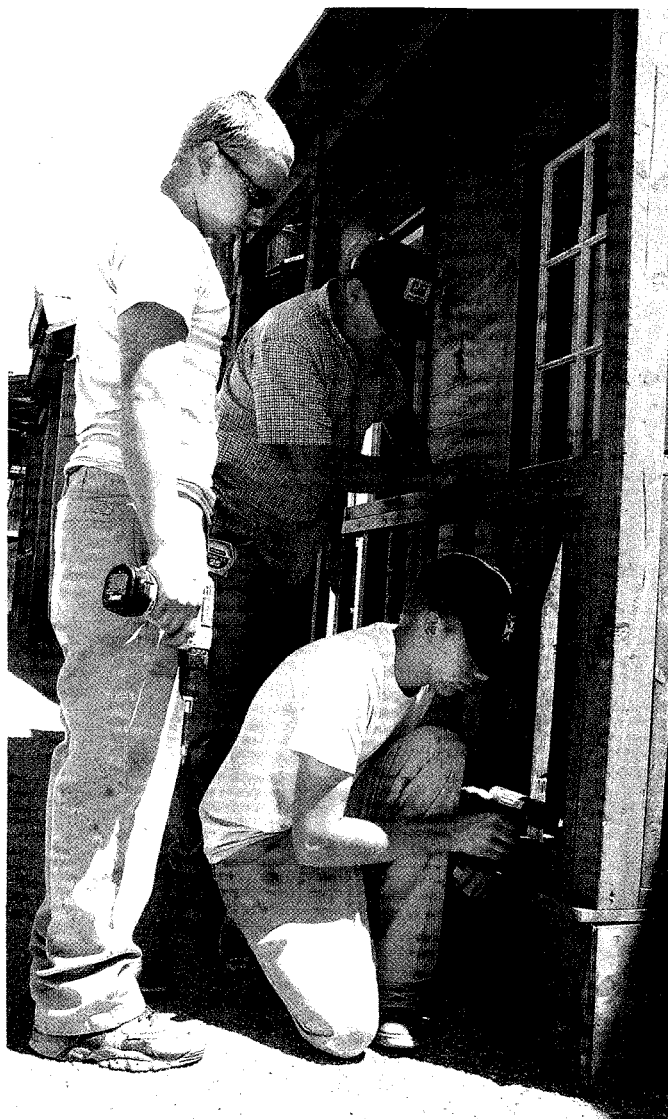
**T**HERE'S ANOTHER REASON TO AVOID DETENTION FACILITIES: they're expensive. Texas spends \$57,000 a year incarcerating each minor. By comparison, the Outreach and Tracking Program costs \$20,000 per kid. Yet it's the alternative programs that are starved for funds. Model programs shun the depersonalization of youth detention facilities in favor of a home-based program that gives kids individual therapy, drug treatment, and job coaching. Such programs are usually run by nonprofit groups and funded by a combination of foun-

***The younger offenders are when first arrested, the more likely they are to keep coming back. Sanchez says, "Kids coming out of the facilities are angrier, tougher, more aggressive, more violent, and more difficult to turn around."***

dation grants and fees from counties and states, but far too little money has been diverted from the traditional system of incarceration. While states spend millions of dollars on detention centers, the community-based programs are held together by a fair amount of gum, tape, and baling wire.

At Austin's Outreach & Tracking program, clients are assigned to caseworkers for monthlong periods; if they still need help, their time is extended. Caseworkers personally check in on each client twice a day, ensuring that they do community service required by probation and show up for classes or job training. They visit all clients at night to make sure they are in by curfew. There are no holidays—not even Christmas. For dodging bulldogs, warding off sickness, and keeping close tabs on teenagers, full-time caseworkers are paid up to \$25,000 a year. Teachers and social workers moonlighting as part-time caseworkers earn \$10 an hour and get no benefits other than some vacation time. "It'd be nice if we could pay people what they are worth in this country," Barlow says.

She and other supervisors are on call 24 hours a day, 365 days a year, something that doesn't please her husband. Thanks to the grueling schedule, the caseworkers have put 97,000 miles on the Toyota, and it's not even a year old. Like her staff, Barlow has adapted to the life of a circuit-riding social worker. Although the heat is blistering, she doesn't drink water during her



**Building a Better Life:** Teens on probation learn skills in Mojave County.

rounds. Drinking water means having to make bathroom stops, and she doesn't have the time or the temerity to endure public restrooms in east Austin.

Southwest Key is unfortunately the exception to the broader trends in Texas justice. Between 1995 and 2004, Texas increased the number of juvenile detainees by 73 percent. The state's zealous approach to drugs means first-time offenders are getting longer sentences for nonviolent crimes. Then there's the matter of who is being detained. Southwest Key caseworkers say Texas routinely locks up kids whose real problem is depression, schizophrenia, or bipolar disorder. Up to 80 percent of youth in the juvenile-justice system have diagnosable mental disorders, according to the Annie E. Casey Foundation. Youth suicides in juvenile facilities are more than four times greater than youth suicides among the public. Last year, a congressional report found that in 33 states, youths with mental illness are held in detention centers without any charges (this information surfaced in *U.S. News & World Report*, while most of the mainstream media have ignored the problem).

Sanchez says that race is the untold story in juvenile justice. Hispanics and blacks make up 77 percent of the Texas prison population. Among younger offenders, the numbers are even more disproportionate: 68 percent of the juvenile-detention population is Hispanic or black (these are 2002 figures, and the trend is steadily getting worse). At the same time, Hispanics and blacks made up just 36 percent of those enrolled in the state's community colleges, technical colleges, and public universities. Sanchez calls it the "Texas de facto affirmative-action policy": Open the prison gates to minorities while they're young and keep them coming back for a lifetime of prison-style continuing education. "Imagine if 77 percent of the students at the University of Texas were black or brown—the alumni would revolt," he says. "But when it's 77 percent of those locked up it's OK."

Youth crime and the police response cause constant friction in Texas. In June, an Austin policewoman shot and killed 18-year-old Daniel Rocha. The police department says Rocha fought with the officer during a drug-related traffic stop. Others—including Barlow, the Southwest Keys supervisor—ask why Rocha was shot in the back, and why the police hadn't activated their in-car video camera. The case is scheduled to go to a grand jury.

This year's nationwide debate about the constitutionality of the juvenile death penalty had special resonance in Texas, which led the country in executions for crimes committed by juveniles. Of the 13 juvenile offenders sent to death in Texas, nine were minorities. After the Supreme Court found juvenile capital punishment unconstitutional, Governor Perry lamented, "I have no choice but to commute these sentences." Youth advocates say the governor lost a chance to do something positive, such as vowing to help prevention programs, to get the poorest young Texans engaged in their schools and communities and keep them from committing crimes.

**Y**ET THROUGHOUT THE COUNTRY, DESPITE THE GET-tough rhetoric and policies of Washington and many governors, there are signs of increasing acceptance of community-based programs for youthful offenders and youth at risk.

Andrea was born in El Salvador. Her father left the family when she was 2. The next year she sneaked across the Mexican border into California with her mother and two brothers, and soon afterward they moved to Boston, where they had relatives. By age 14, Andrea was on a one-way road headed to the juvenile-justice system: She was drinking, doing drugs, and sleeping with strangers; she was associated with a gang that draws Salvadoran immigrants; she entered a crowded public high school where 40 percent of the freshman class flunked three or more subjects last year; soon she was fighting with other girls.

Rather than wait for kids like Andrea to get arrested, some groups are intervening as early as possible. In Andrea's case, help came in the guise of the Arts Incentive Program, a Boston group that serves struggling city kids "living on the cusp of trauma and



disregard," as program director Lisa Fliegel puts it. The program engages the kids in positive pursuits such as painting, photography, and dance. A mentor spotted Andrea's dramatic personality and set up an internship with a theater company.

For years, teachers, guidance counselors, and even relatives had seen Andrea as an obstinate, ornery girl. Lisa Fliegel saw something else: a bright young woman with mental-health problems. When she had Andrea tested, the diagnosis made sense: Andrea had "cognitive rigidity." She couldn't deal with change—a challenge for someone whose life had consisted of one disruption after another.

The Arts Incentive staff moved Andrea to a small parochial school. They arranged for Andrea to meet someone from a similar background who got out of trouble and is finishing law school. "Once you've asked for help, we don't give up," Fliegel says. "We stick by you until you're back on track, in school—not locked up—and on the road to higher educational training."

When her baby brother was born in early 2005, Andrea decided to straighten out. She got serious about her classes and resolved to go to college and law school. "I want to run for Congress," she said the other day, "or maybe work for Homeland Security and stop so much drugs from coming into the country." She has a personal reason: Of the six girls she was closest to in middle school, at least four have ended up in "the system." Many girls she knows are wasting away from using cocaine, Ecstasy, and or heroin.

Other programs use workshops and approaches drawn from group therapy to keep kids connected. Youthbuild, a nonprofit agency, uses foundation money and a \$90,000 grant from the U.S. Labor Department to hold daily workshops for teens entering the job market. "Our young people find a place where they can be with a positive peer group," says Susan Rabbit, the program director in Springfield, Massachusetts. Half of the participants have already been entangled in the justice system. In Philadelphia, a program called Peaceful Posse, run by the Philadelphia Physicians for Social Responsibility, sets groups of kids up with role models they can relate to from their community.

In Manhattan, the Community Prep High School is based in three stories of an office building in the upscale Murray Hill neighborhood, just off Madison Avenue. Community Prep takes any high-school kid who has gotten snarled in the justice system. With small classes and intensive counseling, the school helps the students make the transition to regular high school. Reeling from drug use, absentee parents, and sexual abuse, the students are usually five or more grades behind in reading and math levels.

Community Prep's hybrid funding is typical of the newer programs. It started with grants from private sources such as the Bill and Melinda Gates Foundation and the Open Society Institute, as well as the New York City Department of Education Office of Alternative High Schools and Programs. Now, when the city's justice system refers students, money comes

from the Center for Alternative Sentencing and Employment Services, or CASES.

It's difficult to compare the success rates of juvenile-detention and community programs because the populations are not identical. In an attempt to find out who is more likely to commit crimes again, Temple University's Laurence Steinberg is co-directing an extensive long-term study of 1,400 serious juvenile offenders in Philadelphia and Phoenix. Four years into the study, he says, it's still too early to see clear patterns. Still, other research has found mounting evidence that suggests that home- and school-based programs are not only less expensive than incarceration; they also produce lower rates of recidivism. According to Juan Sanchez, the Texas Youth Commission compared juveniles in the Outreach & Tracking program with those simply released on probation; after a year, the Outreach and Tracking participants had a 65-percent lower re-arrest rate than kids on parole. Last year, Community Prep sent 15 percent of its students on to other high schools—which

***Home- and school-based programs are not only less expensive than incarceration; they produce lower rates of recidivism. "There's nothing you can do in an institution that I can't do better in the community," says Tim Roche.***

sounds like a low success rate until it's compared with the 4-percent citywide graduation rate for emotionally disturbed teens. In Missouri, long experience with a more therapeutic model has produced impressively low recidivism rates.

In Boston, the 9-year-old Arts Incentive Program found that 57 percent of those with criminal records who were redirected to mental-health care have not been re-arrested or involved with the courts.

The anecdotal evidence is mounting, too. Two years ago, a girl called Fliegel's office in Boston. "Is it OK if I come to your office?" the girl said. "My father has a gun at my mother's head." The girl recently recorded her life story on digital video for the Arts Incentive Program. "This program makes me feel like I have a future," she said.

That doesn't surprise Tim Roche, who has spent two decades studying and working with programs that keep adolescents out of detention. "There's nothing—nothing—you can do at an institution that I can't do better in the community," says Roche, who now directs the New York state branch of Youth Advocate Programs, which operates in 17 counties. "And that applies to public safety, therapeutic and educational interventions, or strengthening family and community ties." **TAP**

**David L. Marcus**, the author of *What It Takes to Pull Me Through: Why Teenagers Get in Trouble—and How Four of Them Got Out*, is a former foreign correspondent and education reporter for The Dallas Morning News, The Boston Globe, The Miami Herald and U.S. News & World Report.

# A Culture of Caring

With an inspired leader at the helm, Missouri shows the rest of the nation an effective—and cost-effective—reform model for young offenders.

BY AYELISH MCGARVEY

**L**IKE A BORN POLITICIAN, MARK STEWARD, DIRECTOR of Missouri's Division of Youth Services, seldom forgets a name. Ambling through the gleaming halls of the Hogan Street Regional Youth Center in St. Louis on a recent summer afternoon, Steward stopped in several classrooms to shake hands and chat with the teenage residents, who are also some of Missouri's most serious juvenile offenders. His jocund yet earnest banter managed to disarm even the toughest scowlers. And though he oversees 33 such facilities that house about 1,300 young offenders around the state, he still managed to call several of the young men by name.

Steward comes by his folksy charm and easy confidence honestly: As a boy in rural Poplar Bluff, Missouri, he revered his dynamic grandfather, a career Yellow Dog Democrat and onetime campaign manager for Harry Truman. Steward's path, though, led him away from the halls of power. Instead, compelled by a college course on social work, he found his calling in juvenile hall. But Steward's political moxie served him well, helping him broker improbable coalitions to promote exemplary reforms.

Thirty-five years later, leading experts praise Missouri's Division of Youth Services as a "guiding light" of juvenile-justice reform, and they credit Steward with building—and sustaining—the finest state juvenile-corrections system in the country. Dubbed the "Missouri model" by reformers in other states, the decentralized youth corrections system strongly emphasizes rehabilitating young offenders in a homey, small-group setting that incorporates constant therapy and positive peer pressure under the direct guidance of well-trained counselors. "The Missouri model deals with young people who have demonstrated their willingness to break the law by exposing them to positive, caring relationships. It prepares them for the world," says Jeffrey Butts, a juvenile-justice researcher at the University of Chicago. "Clearly all [juvenile-corrections] systems should be structured this way."

The Division of Youth Service's "culture of caring," as Steward describes it, is more than just an airy mission statement. Indeed, it is an elaborate, results-driven enterprise carefully designed around the dual goals of promoting public safety and delivering high-quality, appropriate treatment services to kids

in a dignified environment. And by nearly every measure, it is a singular success. With its exceptionally low recidivism rates, moderate price tag, and widespread public support, the Missouri model flies in the face of the prevailing "tough on crime" approach for juveniles.

Each year, some 40,000 Missouri youth show up in juvenile court. Some kids are there because of parental abuse or neglect, while others have committed "status offenses," which include truancy or running away from home. When a young person commits an actual crime, judges generally reserve commitment to a Division of Youth Services residential facility as the final option for only the toughest cases—about 1,300 each year. County-run detention centers often hold kids prior to adjudication; many of the rest end up there for relatively brief stays. Others, meanwhile, are enrolled in a special-education program, or in substance-abuse or mental-health treatment. Though Missouri's county detention centers are nothing special, its juvenile-corrections system under Steward's Division of Youth Services is widely considered the nation's finest.

**F**OR MORE THAN 15 YEARS, MARK STEWARD AND HIS STAFF have succeeded in marshaling strong political support for the Division of Youth Services from Missouri lawmakers on both sides of the aisle. This is no small feat, considering that in many places, juvenile-corrections programs—often regarded as stepchildren of social-services or adult-corrections agencies—normally have few champions outside the advocacy community. The division's most powerful resource is perhaps its advisory board; comprising 15 each of Missouri's most prominent Democrats and Republicans, the board lobbies on behalf of the juvenile system. Early on, Steward opened up his facilities to lawmakers and sponsored events to introduce them to the kids and the treatment model. When he went to the Statehouse, he took youngsters with him to testify about their experiences.

It worked. With steadfast support from the Legislature, Missouri's therapeutic model survived under John Ashcroft's conservative governorship and continued to grow and evolve under his Democratic successor, the late Governor Mel Carnahan, whose "tough" approach to adult violent crime in the early



1990s involved a prison-building spree to the tune of nearly half a billion dollars.

By the mid-'90s, juvenile-crime rates were up nationwide and punitive reforms to funnel young criminals into the adult justice system swept into state legislatures around the country. But when Carnahan turned his attention to Missouri's growing juvenile-crime problem in 1995, the outcome was considerably more thoughtful: First, a \$20 million bond issue and a \$7 million budget increase allowed Steward's program to expand to eight new facilities with hundreds of additional beds, while maintaining a rehabilitative, child-centered approach. Then, state legislators changed the law so that even young offenders with adult sentences could serve time in an age-appropriate facility within the Division of Youth Services, instead of in adult prison. Observers credit both Steward's political ingenuity and the program's track record with victories like that one.

These days, challenges to the Missouri model take the form of budget cuts and legislative term limits. In March, Governor Matt Blunt proposed slashing state spending by almost \$240 million, including a dramatic 20-percent cut for the Division of Youth Services' nearly \$60 million annual budget. It was the largest cut the system had faced in years, and would mean the loss of 140 residential treatment slots, as well as staff positions and funding for prevention programs.

Steward wasted no time in summoning support from "good friends" across the state. He dispatched conservative state Supreme Court Justice Stephen Limbaugh Jr., first cousin to Rush and staunch advocate for the Missouri model, to the governor's office. Steward himself implored the Republican House Appropriations chairman, another longtime supporter. Within days, editorials in major Missouri newspapers called on the governor to restore funding and chided Blunt for endangering the model program. By June, the state House and Senate had fully restored funding. The governor did not attempt a veto.

**A**T FIRST GLANCE, THE HOGAN STREET REGIONAL YOUTH Center looks like nothing more than an old urban high school. Located in a freshly gentrified neighborhood north of downtown St. Louis, it is surrounded by neat new homes with two-car garages and colorful flower beds. Outside the center, teenage boys in T-shirts and baggy shorts mill around an enclosed sports field adjacent to the school building, waiting for gym class to begin.

It's the height of the chain-link perimeter fence—tall enough to discourage escape—that subtly signals Hogan Street's true purpose. Opened in 1975, before Steward's tenure, the center serves as a secure-care residential facility for 33 of the area's

most serious male juvenile offenders, whose crimes include rape, assault, and robbery. For them, Hogan Street is the final destination of a journey that began with an arrest and adjudication, and likely included several stints in a local detention facility or nonresidential treatment program. By the time they arrive, many boys are between 14 and 16 years old, and most will stay for nearly a year.

Save for the locked front door and a few inconspicuous security cameras, nothing inside the center reminds a visitor of its designation as one of Missouri's "secure" facilities; there is no razor wire or armed, uniformed guards. Instead, the ground floor bustles with the noises of the classroom. Bulletin boards are decorated with students' artwork, and colorful fliers announce an upcoming student-council election. Under the constant supervision of college-educated youth specialists, kids



**Not In a Jail:** Mark Steward with residents of the Rosa Parks Center in Fulton, Missouri.

move about freely and wear their own clothes, not uniforms.

Upstairs, the teens keep the spacious dorm-style rooms neat as a pin. Ten bunk beds and dressers line one wall, while comfortable, oversized couches, lamps, and framed inspirational posters lend a family atmosphere to the common space. Teddy bears rest atop several neatly made beds, and pairs of sneakers are lined up in a perfect row down below. This charming scene stands in sharp contrast to the prison-like conditions of most secure youth corrections facilities around the country, where kids are confined to bare cells for much of the day.

Hogan Street is but one example of the many treatment options for young offenders. All facilities are small, designed to increase individualized attention and encourage one-on-one relationships between young people and staff.

For less serious offenders requiring residential treatment, there are moderate-care facilities and group homes that do not require perimeter fencing and bolted doors. Missouri under Ashcroft was the first state in the country to open a group home

for teen girls on a college campus. Other offenders attend day treatment, which operates year-round during school hours. For youth in residential facilities, caseworkers try to place them no more than 75 miles from home in the hope that less distance will increase parents' visits and involvement.

In many youth systems elsewhere, therapy is hit or miss. In Missouri, however, a therapeutic approach undergirds everything, transforming the most mundane activities into opportunities for learning and growth. Starting the moment they enter a Division of Youth Services facility, offenders spend virtually all of their time in small, self-contained groups of nine to 12. Always under the supervision of two youth specialists, the teams eat, shower, study, and sleep together. At least five times each day, teams do a "check in" during which kids update the staff and one another on how they are feeling, emotionally and physically. And at any time, staff and teens are free to call a "circle" to raise a concern or voice a complaint. Immediately, the group forms an actual circle and, facing one another, hashes it out—in a sanative, productive way.

At its core, the Missouri approach operates on the premise that internalized behavior changes can occur only once a young person has confronted the often painful dysfunction in his or her past that led him or her to crime. To do that, teens must feel safe and protected within a structured environment that reinforces the importance of open communication.

The early and sustained presence of a case manager also contributes to an offender's sense of security. "The continuous case-management system really is the cornerstone of our program," explains Steward. In Missouri, all committed youngsters are assigned individual case managers who advocate for them within the system and even after they leave it. This seamless approach prevents kids from getting lost in the shuffle and promotes good behavior during the often-rocky transition back into the community. For most kids, "aftercare" consists of a prolonged relationship with a case manager. Many youths are also assigned a "tracker" who meets with them regularly to monitor their progress. Trackers are often college students, or sometimes residents of the youth's home community. Missouri also operates 11 nonresidential "day treatment" centers year-round during school hours; these facilities offer a way station for many teens after leaving a Division of Youth Services facility.

Missouri prizes its staff, and it sets the bar high for its employees: Though all have college degrees in counseling or psychology, they are nonetheless required to update their skills yearly with intensive training. Because division administrators don't work directly in treatment centers, they are required to spend several hours each week among kids at nearby facilities. (In most states, employees are "rewarded" for good work by getting an office away from kids, like in a prison system.) In return, Missouri offers its employees competitive wages and advancement opportunities. Steward's high standards are nonnegotiable. "If you don't have good people, then you absolutely have to get rid of them," he says. "You can't hesitate. One bad person can poison a team."

And how has this investment paid off? The numbers speak

for themselves. In 2004, only 8 percent of young offenders were recommitted to the Division of Youth Services within a year of release. Similarly, a long-term recidivism study showed that only 8 percent of youth released in 1999 were incarcerated in youth or adult corrections three years later, while 19 percent were sentenced to adult probation—meaning 70 percent of those recent graduates avoided either prison or probation for at least three years. Juvenile recidivism rates are notoriously difficult to contrast across jurisdictions, but compared with other states that tabulate results, Missouri's numbers are remarkable. In Louisiana, for example, about 43 percent of youth released from residential juvenile-corrections programs in 1999 returned to juvenile custody, adult prison, or probation by mid-2002.

Besides the obvious future savings that accompany its low recidivism rates, the Missouri model is also substantially cheaper than many of its counterparts around the country. In 2004, the Division of Youth Services devoted fully 89 percent of its budget to treatment services. Across the state, the annual cost per bed in a residential treatment facility ranged from \$41,400 to \$55,000. In 2003, Maryland spent \$64,000 per bed, while California spent a whopping \$71,000. What's worse, far more young people in Maryland and California end up in prison as adults, meaning that those states effectively pay twice as much for inferior treatment.

**I**N RECENT YEARS, THE MISSOURI DIVISION OF YOUTH SERVICES has opened its doors to reformers and administrators from dozens of states. With help from foundations, the Missouri model is fast becoming the blueprint for juvenile reform in Louisiana, Maryland, and Washington, D.C., among others. During these visits, Missouri's young offenders are tour guides, answering visitors' questions. Surprising the adults, the kids are articulate and thoughtful; they look people in the eye, and many are eager to share their stories. This, combined with an absence of high-profile violence and tragic teen suicides in the Missouri system, has led some reformers to question just how "tough" the state's juvenile offenders really are. Is the program really all that successful, or, in the words of one such skeptic, are these kids just "cream puffs?"

"Anytime you hear that, a big flag should go up," Jeffrey Butts says sharply, for these are in fact the hardest cases in the state. The University of Chicago researcher says he has heard the same line for 20 years, and it just isn't true. "People who have had long careers don't want to own up to the deep failures of their own systems. They're shocked to be confronted with real success—it's a threat."

As for Mark Steward, he retired this summer, ending more than three decades of service to Missouri's youthful offenders and his 17-year term as director of the Division of Youth Services. Though he hopes to sit on the advisory board and continue to lobby the Statehouse on behalf of his beloved programs, Steward says it's time to turn his attention to other states in need of reform. "I just want to be the Johnny Appleseed of good juvenile treatments," he says. **TAP**



## Bayou Betterment

In Louisiana, a new juvenile justice system is emerging, with the governor's strong support. If reform can happen here, it can succeed anywhere.

BY KATY RECKDAHL

**T**HE FORMER CORRECTIONAL OFFICER MOPS sweat off his brow as he plays two-on-one basketball against kids he would have once called offenders. Michael Gaines gestures toward the man who's trying to block a layup by one of the kids. "In the old days, he would have just stood here in his uniform and watched while the kids played ball with each other," says Gaines. In those "old days"—about six months ago—Gaines was a deputy warden, overseeing a staff of lieutenants, captains, and officers. Today he's called deputy director, and his staffers, called youth-care workers, are newly trained at managing adolescent behavior. Their charges are the 70 delinquent children, ages 13 to 20, who reside at the crown jewel of Louisiana's juvenile-justice-reform program, the Bridge City Center for Youth.

Gaines and his boss, director (and former warden) John Anderson, point out signs of reform as they walk among the mossy live oaks that create a canopy over the yards of this onetime Catholic orphanage, a cluster of red-brick buildings across the Mississippi River from New Orleans. This summer, the state pulled back the razor wire surrounding the former Bridge City Correctional Center for Youth, plucked the word "correctional" from its name, and relaxed the staff dress code from blue uniforms to polo shirts and khakis. The goal? To remake Bridge City into a model, "Missouri-style" facility that will serve juveniles from the New Orleans region.

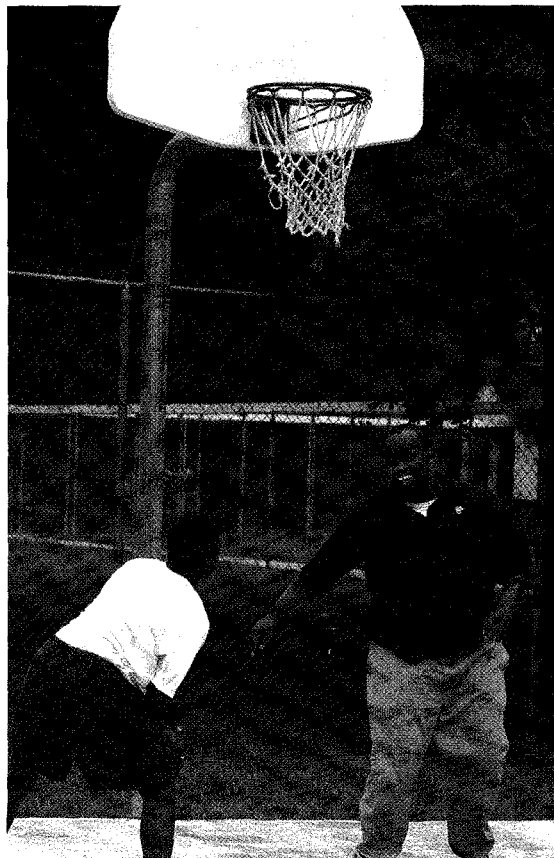
Currently, only about 40 percent of Bridge City's kids hail from the New Orleans metropolitan area. The state's pilot program is also still

small; by the end of August, about 24 young men will be living in three Missouri-style dorm areas, remodeled at about \$8,000 a pop. In place of military-style bunks and blankets, metal footlockers, concrete floors, and open group showers, the new areas offer a softer, homier environment. That means carpeted floors, windows hung with curtains and fronted with houseplants, and showers divided by bright curtains (they'll soon have permanent individual stalls). In the living area, unlocked wooden wardrobes stand next to wooden bunk beds, covered with colorful quilts. Across the room is a group of comfy couches arranged around an end table. It's here, on these couches, that a lot of the dorm's

work is accomplished—through peer-group meetings called "circles."

"When we wake up, we check in, call a circle," says Joe, a young man from New Orleans who lives in the first remodeled Bridge City dorm, called Ujima after the Kwanzaa principle for collective work and responsibility. The group also holds routine circles after lunch and at the end of the day, and as necessary, to discuss concerns or complaints with the other kids and the dorm's manager, youth-care worker, and counselor. Additional, impromptu circles are conducted standing together outside or wherever they're needed.

The difference between this dorm and those at other Louisiana juvenile facilities is most apparent during free time. At Bridge City, the young men giggle and joke, work on art projects, write in journals, put an arm on another youth's shoulder when helping him with homework. Gone are the tough poses, the tense jostling, the strictly enforced personal-safety distances.



A Different Brand of Guarding: Youth worker Micon Gaines

Getting to this point took some adjustment. Eight teenagers moved into this dorm in June. But by late July, three of those residents had transferred out and been replaced by three other kids, all of them new to the juvenile system. "[Circles] weren't being called consistently. The group was at a standstill," explains dorm manager Patrick Riley. Bo, one of the original eight residents, nods his head. "It was the same thing everyday," he says. "[The circles] were dragging us down more than bringing us up." Eventually, participating in the process will be mandatory for everyone. "We wouldn't do this as a rule," says Gaines. But in this pilot stage, the young men are allowed to opt out, which one teen did, saying "it wasn't for him." The other two were asked to leave because they were verbally aggressive.

In July, the state officially opened Ujima with a press conference and a visit from Governor Kathleen Babineaux Blanco. During the 2003 governor's race, Blanco, a former schoolteacher and the sitting lieutenant governor, was the first gubernatorial contender to sign on to a juvenile-justice-reform platform. The young men in Ujima say that she spent a long time talking with them, about circles, their dorm's new look,

***Governor Blanco had toured juvenile lockups while she was serving in the state legislator. She didn't like what she saw and resolved that the children deserved better.***

their faith, and their families. "You can tell she's a mom," says Joe. "She talked that mother talk."

The governor laughs at the assessment. "I did ask them what they hoped to do when they were released," she says.

**Y**OU'VE GOT SOME THINGS GOING FOR YOU IN Louisiana," says Molly Armstrong of the Annie E. Casey Foundation, who's spent the last year in Louisiana and the last decade working with a wide range of governments and their juvenile systems. For instance, she says, in Louisiana, juvenile-justice reform has an unusually high profile. "I think it's amazing you get the level of attention to the issue [here]," she says, crediting advocates for pushing it into the public forum and keeping it there. To Armstrong, the state's biggest advantage is Blanco. "The governor actually cares about juvenile-justice issues," she says. "That's unbelievably rare."

In 2003, while Blanco was still running for office, the Louisiana Legislature passed the Juvenile Justice Reform Act, prodded by exposés, litigation, and the death of a child at the hands of a Bridge City guard. The statute, Act 1225, specifically condemns large correctional facilities and "declares it to be the policy of the state of Louisiana to assist in the development and establishment of a community-based, school-based, and regionally based system."

Blanco won election later that year and took office in January 2004. Soon afterward, she took reform a step forward by signing an executive order separating the juvenile system from the adult corrections system and bringing in consultants from

the Casey Foundation and from the highly successful Missouri juvenile system. "Juvenile justice has a new face in Louisiana," she declared, "and a strong advocate in the governor's office."

"We have a duty to the children," said Blanco in an interview, explaining why she had kept her eye on the state's juvenile recidivism even while she was lieutenant governor. In Louisiana, the governor and the lieutenant governor are elected separately, and at the time, Blanco, a Democrat, sat underneath a Republican governor. Her power to act was thus fairly limited, but she did have access to data and expert personnel, and so she simply gathered information and waited until she could follow through.

This was not a new interest. In prior years, Blanco had served in the state Legislature and had toured juvenile lockups during that time. "I remember the first time I entered the local detention center," she says. "It felt rough to me, and I was going in there as an adult." She resolved to change that.

Mark Steward, now one of Governor Blanco's key advisers on reform, sees a strong link between Blanco's interest in juvenile justice and her sense of compassion and understanding of loss. (In 1997, her youngest son, Ben, then 19, was crushed be-

neath a weight from an industrial crane and died instantly.) When asked about it, Blanco gets quiet for a moment. "You can lose children in a number of different ways," she says. "Some die, some are lost to the streets, and others are lost to the state's prison system. And families really

suffer, no matter how their kids are lost."

This summer, the John D. and Catherine T. MacArthur Foundation selected Louisiana as one of three states to participate in its program "Models for Change: Systems Reform in Juvenile Justice." With the grant comes more outside expertise and up to \$1.5 million annually for the next five years. Steward believes that Blanco's staunch support of the issue is responsible not only for the MacArthur Foundation award but for the momentum of reform in general. "To change one of the worst juvenile systems in the nation, you have to have the leadership at the top and all the way down," he explains.

Blanco, in turn, praises Steward, her advisers from the Casey Foundation, and Simon Gonsoulin, head of the Office of Youth Development, which runs the state's juvenile system. "Right now, Louisiana has the best minds in the country working on this issue," she says.

**T**HE RECENT HISTORY OF JUVENILE-JUSTICE REFORM in Louisiana begins with the Tallulah Correctional Center for Youth, by common agreement one of the most notorious children's prisons in America. Tallulah opened in 1994, on the edge of a sleepy northeastern Louisiana delta town.

Before 16-year-old Christopher Simms was sent there in the summer of 2002, neighborhood friends in New Orleans warned him: He'd be raped for sure, he was told, unless he fought his way to respect. "So I wouldn't back down," says Simms. "If you show a sign of weakness, they are going to take advantage of that. You'll be a punk." Fellow New Orleans inmates taught



him other essential skills: how to blackmail officers, have sex with young female guards, and keep a hidden stash of Camel straights in a world where half a cigarette was worth four bars of soap or four bags of potato chips.

Even the guards scrapped, says Simms: "Any time a guard can come out of his uniform and fight, we loved that. We respected that." Other times guards put a "hit" on a kid and paid the aggressor in cigarettes, lighters, fast food, or weed. Once, during a suspected hit, a group of kids broke Simms' upper and lower jaw. "I was lying in a big ol' puddle of blood, half of my body in blood," he recalls. "I blacked out."

Tallulah was "cutthroat," concludes Simms, who was released in 2003. "That's why the kids called it Little Angola." Cecile Guin, who directs social-service research at Louisiana State University, was the first person to study recidivism within the state's juvenile population. Because Tallulah was so violent, she says, many of its inmates left to commit worse crimes and wound up in adult prisons, like the state's infamous prison farm at Angola. While the state's official statistics show that 45 percent of its released juveniles are reconvicted within five years, Guin estimates that statistics for Tallulah alone would be much more grim—more in the 90-percent range, she says.

For a decade, says juvenile-justice reformer and state Senator Donald Cravins, a Democrat from the Lafayette area, "Nothing stood out clearer than the atrocities at the facility in Tallulah." Not that the state's other juvenile prisons weren't awful. Mark Soler, president of the Washington, D.C.-based Youth Law Center, recalls touring them in the late 1990s. "Conditions in Louisiana's facilities were really horrible, as bad as any I've seen in 27 years of looking at juvenile facilities," he says.

"In this state," says defense attorney Tom Lorenzi, "when you get involved in a capital case, your client has almost always been through Louisiana's juvenile-prison system." Still, he can't recall one defendant helped by that system. "It made their lives living hells," he says. "They were brutalized and brutalized and brutalized." Seeing this, in case after case, motivated Lorenzi to work for juvenile-system reform as president of the board for the Juvenile Justice Project of Louisiana (JJPL). It's no coincidence, he says, that the JJPL's founders—Shannon Wight, Gabriella Celeste, and David Utter—all did death-penalty work before forming the group in 1997.

Utter made his first trip to Tallulah in April 1998. As a defense attorney and as a prisons litigator for the Southern Prisoners Defense Committee, he had toured bleak prisons and jails for years. But, he says, "I had never seen anything like this. It had never occurred to me that we would see young people treated this way. The most shocking thing was the black eyes, broken jaws, hands in casts, bruises, and cuts. On some trips,

half of my clients would be injured."

Within a few months, the JJPL filed a civil-rights lawsuit on behalf of 12 youths imprisoned in Tallulah. The U.S. Department of Justice also brought suit under the Civil Rights of Institutionalized Persons Act, making Louisiana the first state it had sued over conditions in juvenile facilities. Around the same time, *New York Times* reporter Fox Butterfield visited and wrote a front-page story referring to Tallulah as a place "so rife with brutality that many legal experts say it is the worst in the nation."

Still, Tallulah remained open for six more years. But in June 2004, parents, former Tallulah inmates, and key legislators celebrated its last day. Reform leaders made speeches and sang hymns on a lawn across the street from the facility, which provided a backdrop of gleaming razor wire. There, the townspeople of Tallulah unveiled a model of the learning center they'd



**Beyond Jails:** The new Bridge City Center for Youth near New Orleans

been working toward for more than a year, which they hope to build on the prison's grounds. If they succeed, it will be the first prison in the United States replaced by a school.

"It was one of the greatest moments of my life," says Cravins, the state senator. "To me, it symbolized that our state was closing an ugly chapter in its history."

ONE MORNING IN EARLY JUNE, ROBIN BRUNKER pulled on a red T-shirt bearing a logo for FFLIC (Families and Friends of Louisiana's Incarcerated Children) and joined a caravan of other red-shirted parents, grandparents, and children headed toward Louisiana's Capitol in Baton Rouge. There, they testified on behalf of a state Senate bill that they had dubbed one of two "Bring Our Children Home Acts of 2005." The proposed statutes would have closed the state's two large correctional-style facilities for juveniles and shifted their funding to community-based programs.

Brunker told state senators how her 17-year-old son had lost four of his teeth after a guard at the Swanson Correctional Center for Youth in northern Louisiana shoved him into a locker

room with another kid and then stood outside the door. Other FFLIC members testified about brutal rapes, attacks, and suicide attempts, all at the two big facilities, all within the previous several months. The bill failed to make it out of committee.

In May, the JJPL had issued a report showing that the facilities' violence was on the rise. At Swanson, the group's monitors found that, on average, two young men per day were hurt due to self-inflicted injuries, fights, and assaults. As a result, some juvenile judges are reluctant to order incarceration. But often there are few alternatives. "Judges' hands are tied," says Utter. "If they have a kid who's a threat to public safety, the only place they can put him is going to hurt him more than help."

Agreed, says Simon Gonsoulin. A former special-education teacher and high-school principal, Gonsoulin landed his first job in the juvenile system courtesy of a federal settlement agreement (he oversaw the state's compliance with the education portion of that agreement). Since taking this job in early 2004, he has met with judges on a regular basis and has heard their concerns—the same ones that Utter voices—"constantly and continuously." Gonsoulin promises that many of these issues will

***More than anything else, the success of reform depends on well-trained staff. Personnel at the redesigned Bridge City facility took intensive "human-dignity training."***

be addressed in the Office of Youth Development's five-year strategic plan, which is currently in an information-gathering stage. For most of the summer, Gonsoulin and other juvenile-system administrators have been driving around the state, asking audiences gathered in school gyms and city halls for input on that plan, which will be finalized in October.

In the meantime, the department is addressing concerns one by one through its new family ombudsman, Prince Gray, who was hired in mid-June and immediately given an 800 number of his own. "We want parents and family members to know that their voices are being heard, and we want to make it easier for them to communicate with us," says Gonsoulin.

So far, Gray, a former principal at schools for at-risk kids, has devoted time to every complaint lodged by family or youth. He has, for instance, investigated a few accusations about "children treated roughly" and has ironed out smaller disputes between staff and youth. FFLIC members also met with Gray about a list of specific reforms, including a less stringent visiting-day dress code that won't bar parents from seeing their children if mothers are wearing, for instance, open-toed shoes or sleeveless blouses. Gray says that he found that request and others "reasonable," and that he is currently working to change department policy.

**M**ORE THAN ANYTHING ELSE, SAYS MARK STEWARD, the success of this reform depends on well-trained personnel. He appreciates all the nice furnishings—the carpet, the wooden furniture, the curtains, and the pillows—that are rejuvenating the new dorms at Bridge City. But

day-to-day decisions will be the real test, he says, "Because a pillow with a mean staff is going to be a weapon."

This past summer, Bridge City's staff went through intensive "human-dignity training." Coaches imported from Missouri spent time at the facility, Steward says, observing staff members at work and asking key questions—questions such as: "Why did you do that? How could you have handled it differently? Was that treating with dignity and respect or was that punitive?" The intensive work continues until one group is fully trained, because only then can the pilot program expand "group by group by group," says Steward, who learned by trial and error that retraining an entire campus at once doesn't work.

Bridge City was always slotted as the first pilot. But at first, Gonsoulin had talked about closing the two big facilities, Swanson and the Jetson Center for Youth near Baton Rouge, which currently house about 175 kids apiece. Somehow, that plan changed. This summer, Gonsoulin announced that Swanson and Jetson would stay open but be "transformed."

To advocates, that decision defied the tenets of the Juvenile Justice Reform Act, flew in the face of the JJPL's violence tal-

lies, and deviated from the well-documented Missouri model, which relies upon many small-scale, regional facilities. "Big facilities are inherently dangerous and are going to lead to abuses and cannot possibly provide an appropriate atmosphere for children who are

locked up," says the Youth Law Center's Mark Soler. The state plans to divide each facility into a day-treatment area and groupings of small cottages, but that won't change a big prison's essential nature, he says. "You can dress it up and put nice paint on it and make it look a little bit different," says Soler. "But a pig is a pig is a pig."

State Senator Cravins says that, without a doubt, he would like to see reform move at a faster pace. But Cravins, the man who for a decade has been the chief legislative critic of Louisiana's juvenile system, confesses that he now finds himself "somewhat optimistic." That's largely because he trusts the people who head up the state's efforts. He calls Gonsoulin "a good guy" and says he has "a tremendous amount of confidence in" Steward.

Steward is also hopeful, although he admits that revamping the two big juvenile prisons is not ideal, especially because those facilities' histories include what he calls "decades of punitive, horrible treatment." But decisions have to be made, he says. "There's the perfect world and there's the realistic world," he explains, "and Louisiana has to figure out what it can afford, how small it can go, and how and when it will regionalize." Transitional steps—like utilizing the facilities at hand—are necessary when revamping a system this large. "You cannot flip a switch," says Steward. "It cannot happen overnight." **TAP**

*Katy Reckdahl is a news reporter for the New Orleans alternative weekly Gambit. She has been writing about Louisiana's juvenile-justice system since 2001.*



## Race and Redemption

*Reform is coming to juvenile justice. But except in pioneering communities, it still comes too slowly for black and Latino youths.*

BY ELLIS COSE

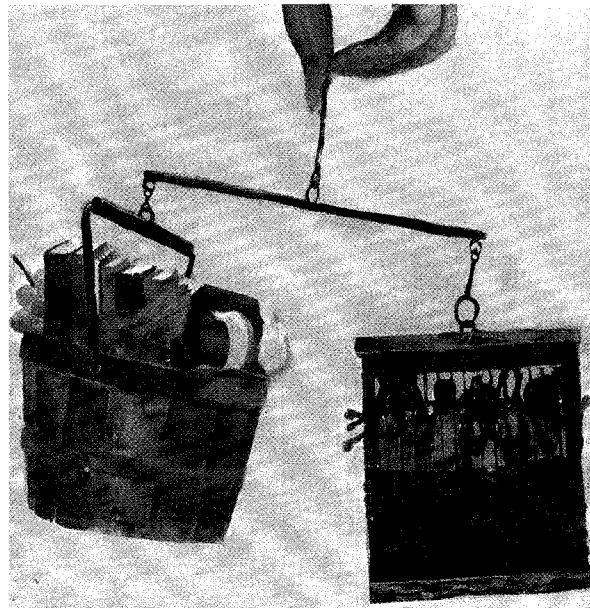
AS AN ATTORNEY FOR THE YOUTH Law Center, litigating largely over conditions of confinement, James Bell spent some 20 years in courtrooms across America. The scene was always much the same: Even in communities that were overwhelmingly white, those arrested, detained, and convicted were overwhelmingly black and brown. Non-whites, as Bell saw it, were being “Velcroed in” as whites were “Tefloned out.”

The statistics are now so well-known they have almost lost their ability to shock: roughly 2 million men behind bars, the majority of whom are Latino and black. At every juncture—from suspicion to conviction—people of color, especially blacks, are significantly more likely than whites to get tangled up in America’s system of justice. And juvenile statistics mirror those for adults: Roughly two-thirds of juveniles detained in public facilities are persons of color—nearly twice their proportion in the general population. If you are young, Latino, and male, your odds of being in juvenile detention are more than twice those of your Anglo counterpart. If you are Native American, odds are three times as likely. If you are black, five times as likely. We have reached the point where the only bond linking many black fathers, sons, and grandsons is time spent behind bars. Imagine a great conveyor belt onto which will stumble a third of America’s black males (if current trends continue), leading toward confinement and away from every positive option in life, and you have some sense of the crises upon us.

Bell’s front-row seat at the justice factory impelled him to try to turn those statistics around. Nearly four years ago, he launched the W. Haywood Burns Insti-

tute for Juvenile Justice Fairness and Equity. Based in San Francisco and named for a crusading black attorney, the institute aspires to snatch young people off the conveyor belt before their nobler aspirations are irremediably crushed. And it is already having an impact.

In the communities in which it works, the institute tries to bring together all so-called stakeholders—judges, police, public defenders, community organizations,



probation-department officials, and others who don’t ordinarily collaborate. One purpose is simple education: People sitting in judgment often “have no idea about the lives of the people they are imposing conditions on,” observed Bell. But the larger purpose is to find a common plan of action. That may mean seeking alternatives to confinement for nonviolent parole violators. In Chicago and Sacramento, California, the process has led to the creation of evening reporting centers. Young offenders are picked up after school and taken to a gathering place, where they are fed, helped with their homework, and taught

something about different options in life.

In a field defined almost exclusively by very bad news, the good news is that Bell is not alone. Even as an alarmist mass media and slogan-chanting politicians have focused on “super-predators” wreaking havoc on society, more reasoned minds have come to agree with the commonsensical view that “14-year-olds are almost never beyond any form of redemption,” in the words of Christina Swarns, director of the criminal-justice program of the NAACP Legal Defense and Educational Fund.

The Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI), launched in 1992, was inspired in large measure by a Casey Foundation-funded project in Broward County, Florida, aimed at reducing the number of young people behind bars. According to the foundation’s Bart Lubow, the initiative runs “against the grain of a fundamental mythology” that more people behind bars automatically leads to greater public safety. It also runs contrary to the widespread assumption that race and racism have essentially been banished from the justice system.

That assumption is not yet supported by facts. In a review of 233 juvenile cases in Washington state, sociologists George Bridges and Sara Steen found that racial stereotyping played an unmistakable role in how offenders were viewed. Probation officers preparing sentencing reports tended to characterize whites as potentially good people who were victims of unfortunate circumstances, whereas blacks were more likely to be seen as intrinsically bad, according to their study published in the *American Sociological Review* in 1998. Not coincidentally, after analyzing six years of court records, a team from *The Chicago Reporter* found in 2002 that blacks and Latinos generally got stiffer penalties than whites who had committed the same drug crimes.

For its pilot program, the foundation identified five JDAI sites: Cook County, Illinois; Milwaukee County, Wisconsin; Multnomah County, Oregon; New York City; and Sacramento County, California.

By 1998, only three sites remained. The powers that be in both New York (by this time Rudolph Giuliani had become mayor) and Milwaukee had lost their enthusiasm for any programs that could be perceived as soft on perpetrators. Cook, Multnomah, and Sacramento counties pressed ahead. Santa Cruz, California, and King County, Washington, joined along the way. The approach the JDAI pioneered is essentially that now employed by Bell's W. Haywood Burns Institute.

In Cook County (Chicago), all participants realized that the vast majority of youths detained were people of color, mostly blacks, but there was no real consensus about what role race played in the process. As a result, the Chicago initiative focused much less on race than on reducing the numbers of youths in detention overall. Between 1996 and 2000, the number dropped 31 percent—although people of color continued to constitute the vast majority of those detained.

In Multnomah County (Portland), the results were even more dramatic. Between 1994 and 2000, the number of youths detained dropped by more than 50 percent, and statistics that had previously shown racially disparate treatment began to even out.

There is no "silver programmatic bullet," Lubow observes. Creating a saner, more equitable juvenile-justice system requires specific local actions tailored to local conditions, on a range of fronts from staffing to policing to nurturing relationships among stakeholders. The Casey Foundation also found that without explicitly focusing on racial disparity, localities were not likely to do much to reduce it—notwithstanding the fact that all racial disparities do not stem from explicit bias. In Illinois, for instance, a law that required that juveniles be tried as adults if caught selling drugs within 1,000 feet of a school ended up affecting mostly nonwhites—because white drug dealers, operating in the more spatially dispersed suburbs, were less likely to be near schools.

The number of JDAI sites has now grown to 50. Increasingly, knowledgeable people are appreciating that there are "a whole bunch of deleterious impacts to locking up kids in detention center,"

in the words of Jason Ziedenberg, executive director of the Justice Policy Institute. Some of the worst impacts are obviously on the young people themselves, who, among other things, are likely to have a radically shortened lifespan due to violence. Researchers at Northwestern University found that juveniles in Cook County who had been in detention were more than four times as likely to die (over an eight-year period) than their matched peers who had managed to avoid being locked up. Of the 65 deaths that researchers recorded during the study, all were violent. "Everyone died awful, violent deaths—run over by gang members, stabbed by a boyfriend," Linda Teplin, a member of the Northwestern team, told a reporter for *HealthDay News*. Teplin went on to observe that the number of deaths among the youngsters she studied in Cook County was higher than the total death toll in all mass school shootings between 1990 and 2000. Yet while concern was showered on those largely white victims of mass murder, little was shown for the mostly minority victims of Cook County. "We somehow care much less about urban violence, especially when it involves minority kids," Teplin concluded.

Whether or not politicians care less about such kids, more and more are real-

izing that locking up young people and figuratively throwing away the key is an expensive policy failure. As a growing body of research is coming to show, early and sensible intervention reduces the likelihood that young offenders will end up as adult criminals. Young wrongdoers are less likely to err again if they are kept out of adult facilities, where they generally become not only more accepting of a life of crime but also more comfortable with committing more serious crimes.

Despite what used to be received wisdom—"nothing works"—it is becoming very clear that some things do work, that it is possible to simultaneously reduce the burden of young offenders on society, increase their odds of success in life, and eliminate much of the bias in the system. That does not necessarily mean that the old ways are dead. It does mean, however, that they should be. For, tough-on-crime rhetoric notwithstanding, it is becoming harder than ever to justify putting young people on that giant conveyor belt that bypasses hope and heads directly to hell. **TAP**

*Ellis Cose is a columnist and contributing editor for Newsweek. He is the author of numerous books, including Bone to Pick: On Forgiveness, Reconciliation, Reparation and Revenge.*

## Detention Redemption

*In one California county, progressive leaders and law-enforcement officials are transforming a troubled juvenile-justice system.*

BY PEGGY TOWNSEND

SANTA CRUZ COUNTY'S JUVENILE hall sits on a pine- and oak-studded hillside across from a state park. It is a low-slung building made of concrete block with doors painted a bilious shade of green.

From outside, it hardly looks like a national model for juvenile-justice reform. But inside, empty cells stand as testament to what has happened over the last eight years. Instead of locking young criminals behind bars, this mostly liberal seaside community has bucked the national trend

and is sending all but the worst offenders into alternative corrections programs. Led by a band of reformers and embraced by a community that was one of the few in California to vote against a get-tough-on-crime initiative in 2000, the county is keeping kids at home, supervising them closely, and enrolling them in community-based programs that provide drug counseling and job training. Data is assembled to see who is coming into the system and why they are there, and the time it takes to get a youngster into a



group facility has been more than halved. Notably, this progress has occurred in a state known in justice circles as the "Great Detainer," because some 25 percent of all detained youth nationally are held here.

The result is that juvenile hall is half empty most days, youth felony arrests are down 48 percent, and officials say that instead of spending money on building new cells, they are putting it into programs that work. "The fact is," says Scott MacDonald, one of the reform effort's architects, "our outcomes have been excellent."

**S**ANTA CRUZ COUNTY SITS 70 MILES south of San Francisco. Its northern half is home to the University of California, Santa Cruz and tourist-filled beaches; its south is mostly Latino and agricultural, with long rows of strawberries pushing up against housing developments. And although the county is known for its liberal bent—Santa Cruz city-council members once held a medical-marijuana giveaway on the steps of City Hall—it faced many of the youth crime problems other California counties did in the mid-1990s.

Santa Cruz's 42-bed juvenile hall routinely held 50 to 60 teenagers, and failed even minimum health and safety standards. Kids were doubled up in the tiny cells, remembers Judy Cox, an easygoing woman who was an early engineer of the reform movement and is now the county's chief probation officer. "We had them sleeping on the floors," she says. "Their heads were right next to the toilets." It was a struggle just to get the young inmates showered and fed. Tensions were high, fights were common, and injuries to both staff and kids were rising. "We were just dealing with day-to-day survival," Cox says.

County officials and probation staff sought change, but it was like trying to turn an ocean liner. Entrenched ways and lack of money made it hard to do. Then John Rhoads came to head the department in 1997. A former deputy probation chief in Sacramento, Rhoads had been part of the Annie E. Casey Foundation juvenile-justice reform initiative there. "John brought these tools to help our jurisdiction reduce reliance on detention," Cox says. "The first thing we did was to develop an objective screening process at the front door."

That meant that when police brought a young offender in, probation officers would use a set of objective criteria to determine if he or she was a threat to public safety or would skip out on his or her court date. Those at high risk, such as violent offenders and teens with prior arrest records, were locked up. Those deemed "medium risk" were sent home with electronic monitoring, receiving daily visits from probation officers. Those who were picked up for misdemeanors and would likely make court appearances were simply cited and sent home.

But street cops complained that young crooks were beating them back to the neighborhood. They said the county had

youth a year meet on weekend work projects, and if 46 of them are referred to job training and mentorship, and 28 of those are placed in entry-level jobs, success seems small," says David True, who heads the program. "But that's 28 youth who aren't stealing your TV or hitting each other. It's a very hard road, but still more effective than incarceration."

In his cluttered office, MacDonald thumbs through statistics to show what the broader reforms have meant for the county. In 1996, juvenile hall had an average daily population of 50 children, he says. Last year, the average was 22. He jumps up and phones the hall: Today's population is just 16. More importantly,

### ***Since Santa Cruz County reformed its juvenile-detention practices, juvenile felony and misdemeanor arrests are down 48 percent and 43 percent, respectively.***

gone soft on crime. So Rhoads sat down with the county's law-enforcement chiefs and hammered out a list of crimes—like high-speed chases and robbery—and criminal history that should result in bookings and those for which a young offender should simply be cited. The chief-approved lists were handed out to every street officer. The county also streamlined its placement process so that children spent less time waiting to enter treatment centers or group homes; the average dropped from 27 days to nine. The number of kids in juvenile hall fell, too.

Soon, probation officials realized that just emptying the hall would do nothing to improve public safety—or to help at-risk kids. "As we loosened detentions," says MacDonald, assistant chief probation officer, "we tightened our relations with the community." Probation officials began to link with local organizations that provided services kids needed: drug treatment, counseling, job training, and work programs. One of them, the Youth Community Restoration Project, sent weekend detainees out to restore sensitive environmental areas and build retaining walls instead of idling in juvenile hall. With additional training, some eventually landed jobs in the community. "If 328

MacDonald says, since the county reformed its detention practices, its juvenile crime rate has fallen—even as the youth population has risen. Juvenile felony and misdemeanor arrests are down 48 percent and 43 percent, respectively. While it's true that juvenile crime is down throughout California, Santa Cruz's concurrent drop shows that reform doesn't, contrary to popular belief, cause more crime. "The reality is that *not* locking these kids up does not result in an increase in crime," MacDonald says.

It also doesn't result in increased costs. Much of the reform happened by simply changing how things are done in the department, Cox says. While keeping a teen locked up costs \$184 a day, letting one stay home with electronic monitoring, supervision and counseling, or work programs costs \$64. The county also avoided spending millions of dollars to staff and build bigger detention facilities.

Change could not have happened without political will, however. Voters, political leaders, and even judges supported reform. Superior Court Judge John Salazar, who presided over Santa Cruz County Juvenile Court for four years, says that when he began, "My approach was ... to draw a line in the sand and give options

and tell the kids what would happen if they didn't follow through. We kept drawing lines in the sand and kids kept walking over them." It took seeing youngsters repeatedly recycle through the system to change his mind. He now talks about the benefits of keeping young offenders home and addressing their needs—whether it's drug treatment or just buying them a new set of clothes because they were too embarrassed to go to school in hand-me-downs—instead of throwing them in jail. "The government," Salazar says, "does a lousy job of raising other people's kids."

Also key to reform was the mundane task of data collection. Santa Cruz monitors everything from the race of young arrestees to case resolution. Such attention to data not only keeps people working more efficiently but also helps to defend reform practices and to develop new programs, local officials say. For instance, when data showed that young Latino heroin addicts had more success getting clean if programs kept them connected to their families, the county helped design a drug program to do just that.

"We scrutinized everything and looked at what does work, and we implemented the things that did work," Cox says.

Maria Griselda Hernandez knows that firsthand. A 20-year-old with almond-shaped eyes and long brown hair, Hernandez spent so many days in juvenile hall as a teen she lost count. She used heroin, sold drugs, got into fights. Then, when she was 17, instead of locking her up again, officials sent her through a drug-rehabilitation program and to the Youth Community Restoration Project, where a young Latino counselor helped her get a job interview. Today, Hernandez works full time at a local nonprofit and is attending college. "My counselor told me something I will never forget," says Hernandez quietly. "She said, 'Your life is a testimony.' She told me that everything I had been through I could use in a positive way." Hernandez doesn't even hesitate when asked where she would have been without those programs. "I would probably be in jail." **TAP**

*Peggy Townsend is a journalist who lives in Santa Cruz, California.*

## Cruel Convergence

*The era of get-tough juvenile justice is also the era of managed care, and children with mental-health needs are caught in the crossfire.*

BY SAM ROSENFELD

**F**OR THOUSANDS OF CHILDREN with debilitating mental illnesses, the get-tough juvenile-justice culture of the 1990s could not have come at a worse time. The new punitive policies emerged in tandem with the slow breakdown of the public mental-health system, and the confluence has led to a pervasive criminalization of juvenile mental illness.

The excesses of the "super-predator"—era juvenile-justice policies are well-known, but just as damaging were the shift in focus and resources they signaled. Punishment came to replace rehabilitation as the core goal of the American juvenile-justice system at the same time that our mental-health system was sinking into a sustained crisis. The failure of

community-based mental-health care to meet the needs of children in the wake of national deinstitutionalization served to push mentally ill kids into the juvenile-justice system—in effect, to *reinstitutionalize* them, this time into a system woefully ill-equipped to help.

In the last 15 years, matters have grown worse, primarily because of the way states have responded to the shortage of mental-health services. Instead of addressing the problem directly, too many states embarked on a roller-coaster engagement with private, managed-care Medicaid providers who promised that cost cutting and streamlining could mitigate the need for more mental-health resources and services. State after state eventually dis-

covered the perils of such arrangements. Sweetheart contracts gave for-profit HMOs few incentives for service quality. Savings were eaten up by enormous administrative costs and fat profit margins. Care was slashed and services denied, more acutely in mental health than anywhere else.

Meanwhile, the number of youths entering the juvenile-justice system increased substantially over the 1990s. The new get-tough laws played a large role in that, but some of the rise was related to the problems in mental-health treatment. The Texas Youth Commission, for instance, found a 27-percent increase in the number of kids with mental disorders entering the state juvenile-justice system from 1995 to 2001. "It's a hydraulic effect," says George Davis, director of the University of New Mexico's Division of Child & Adolescent Psychiatry, who helped pioneer mental-health reforms in Albuquerque's juvenile-detention system. "This population exists no matter what, and if they're not in treatment facilities, they're in detention. When one goes down, the other goes up."

Estimates vary regarding the proportion of detained youth suffering from mental disorders. Northwestern University Medical School's Linda Teplin and colleagues have studied mental-illness prevalence among detained youth in Chicago. In 2002, they reported that nearly 60 percent of male detainees and 67 percent of females suffered from at least one psychiatric disorder.

Moreover, there is increasingly robust evidence that the juvenile-justice system serves as a dumping ground for mentally ill children lacking health services. The National Alliance for the Mentally Ill (NAMI) commissioned a poll of families of children with mental illness in 1999 and found that more than a third of respondents reported placing their kids in the juvenile-justice system in order to access mental-health services. A series of investigations in 2002 and 2004 carried out by Congressman Henry Waxman's minority staff of the House Government Reform Committee addressed this issue. Their report, published last summer, analyzed responses from more than 500 juvenile-detention administrators representing 75 percent of all detention facilities in the



country. It found that two-thirds of the facilities held children who were awaiting community mental-health treatment. In 33 states, facilities held mentally ill youth who had no charges against them.

At a Senate hearing highlighting the report, one witness, Carol Carothers, executive director of NAMI's Maine chapter, recounted stories of mentally ill youth in her state shunted into the juvenile-justice system. One 18-year-old whose mental illness had gone untreated for years eventually hanged himself in the state's "supermax" prison. Another youth, 13, had enjoyed treatment and counseling in a residential program until his mother, a member of a NAMI support group, moved north. "The plans to link him to new services fell apart," Carothers testified, "and he ended up with nothing—no psychiatrist, no caseworker, no medications, and no therapist. As one would expect, he fell apart and landed in juvenile detention, where he still is." According to the mother, the child first began to cut himself and act violently while in detention.

**A**DDRESSING THE CRISIS OF MENTAL illness in juvenile justice means grappling with the dysfunctions of two extremely complex and diverse systems. But several localities have shown how reform can happen.

As much as any other state, New Mexico epitomized the trends of the 1990s that had left mentally ill children stranded in the juvenile-justice system. A Republican administration initiated a litany of get-tough youth policies, including mandatory sentencing, state-run boot camps, and the construction of a \$7.5 million maximum-security juvenile prison in Albuquerque. Meanwhile, the state's experience with managed care for mental health, implemented in 1997, was typically disastrous. The system's byzantine structure sucked 45 percent of all funding into administrative costs while services were slashed and reimbursement rates plummeted. Not surprisingly, the warehousing of juveniles with untreated mental-health needs in detention centers became an acute problem. An investigation by Waxman's team found that in 2001, one in seven youths in New Mexico's detention

centers were there primarily due to the lack of available mental-health services.

In the midst of all this, one pioneering reformer spearheaded an overhaul of the largest detention system in the state, in Bernalillo County (encompassing Albuquerque). Tom Swisstack, formerly the mayor of a fast-growing Albuquerque suburb, took the reins of the detention center in 1998. With his intense drive, he commenced his reform campaign in 2000 with support from the Annie E. Casey Foundation's innovative juvenile-detention reform initiative. Replicating many features of the original Casey Foundation sites, the Bernalillo reforms focused on new, sophisticated screening procedures to place nondangerous offenders in home- and community-based alternatives to detention. During a June visit to the center's premises in dusty northwestern Albuquerque, I went step by step through the processes of booking, assessment, and individualized service, with Swisstack highlighting the myriad methods by which children get diverted into the two home-based supervision programs run by the center.

Adding to the basic Casey Foundation model, Swisstack applies an innovative focus on serving the mental-health needs of the children in the system. On top of intensive staff training and new therapeutic programs to provide a continuum of care, he has also negotiated agreements with the state's three Medicaid managed-care providers to reimburse counseling and medication services for kids with mental-health needs. This led to the construction in 2001 of a community mental-health clinic on the detention center's premises—the only such clinic in the country. In addition to the clinic's case managers, psychologists, and psychiatrists, three full-time clinicians now treat the residential population in the detention center itself, and Swisstack is looking to hire more.

"I now have a clinical staff that is actually implementing programs in a proactive rather than reactive approach," says a gratified Swisstack. Importantly, these benefits extend far beyond the detained youth: Albuquerque's clinic serves the mental-health needs of others in the community, too. During my visit, I met

Tonya and her 10-year-old son, Charles (their names have been changed). Charles, whose father died when he was 3, suffered violent, uncontrollable outbursts at home and school. Two years ago, his school referred him to the mental-health clinic, where he was quickly diagnosed as bipolar. He now receives medication and meets weekly with a psychiatrist at the clinic for counseling; Medicaid covers both. Tonya called the treatment "a lifesaver," and reflected on what might have happened if the clinic's services weren't available. "The juvenile jail's right next door," she said, "and every week I drive in here and think, 'If it wasn't for this place, he might be over there.'"

**C**ERTAIN POLITICAL CONDITIONS have helped Swisstack's efforts, and those of other reformers in the country. State and local fiscal strains have made officials much more amenable to cheaper alternatives to incarceration. Meanwhile, the first, disastrous cycle of state experiments with managed care has run its course and provoked closer public scrutiny, and many states are beginning to be much stricter about the requirements included in new contracts. Swisstack is now in negotiations with a newly contracted statewide managed-care provider to cover seven more mental-health-clinic sites across the state. As the University of New Mexico's George Davis explains, the prospects for such an agreement are better now because the company actually has strong contractual incentives to provide treatment. "The state has really wised up ... [and] is going to watch them closely," he says. "This time the contract at least makes some sense."

For all the good such reforms do, however, this crisis is fundamentally an outgrowth of the broken public mental-health system itself. Neither detention reforms, nor other promising juvenile-justice innovations, nor smarter managed-care contracts are going to be enough to fix that. A serious national commitment to providing community-based mental-health services and coordinated systems of care is needed—and realizing that goal remains well beyond the capacity of juvenile-justice reformers alone. **TAP**

# Will We Survive?

Can the United States Lead the Way  
in  
Conquering the Seven Deadly Trends?

- 1) The Thermonuclear Threat
- 2) Global Warming
- 3) Destruction of Rain Forests
- 4) Ozone Depletion
- 5) Acid Rain
- 6) Population Explosion
- 7) All Forms of Military Aggression

## Act Now

**Help Stop the Seven Deadly Trends**

**Visit [www.7deadlytrends.net](http://www.7deadlytrends.net) and sign  
The Resolution of Interdependence Petition**



*Continued from page 20*

Krauthammer's self-assigned mission, even more than Kristol's and Kagan's, was to discredit those in the administration who in any way impeded the rush to war; he became the outside voice of those in the Pentagon, the vice president's office, and elsewhere who raged at such caution. In the spring of 2003, with then-Secretary of State Colin Powell seeking to slow down the rush to war, Krauthammer thundered: "No more dithering. Why does the president, who is pledged to disarming Hussein one way or the other, allow Powell even to discuss a scheme that is guaranteed to leave Saddam Hussein's weapons in place?"

Krauthammer's contempt was directed at "old Europe" as well. "There should be no role for France in Iraq," he proclaimed on March 12, 2003 (the eve of the war), "either during the war ... or after it. No peacekeeping"—as if patrolling post-Hussein Baghdad would be some rare privilege.

Since Hussein's fall, Krauthammer has been walking the compulsory cheer beat, largely echoing the administration's upbeat prognoses for Iraq. When the interim government of Iyad Allawi was about to come into office, Krauthammer opined on FOX News that "it's the beginning of the end of the bad news. I mean, we're going to have lots of attacks, but the political process is under way." Not surprisingly, he deemed the public horror at Abu Ghraib "a huge overreaction. Nobody was killed. Nobody was maimed."

#### **VICTOR DAVIS HANSON: THE ANALOGIST APOLOGIST**

Hanson has been called President Bush's favorite historian, and for good reason. Soon after 9-11, the San Joaquin Valley classics professor began writing regularly for *The National Review*, demanding we go into Iraq, imparting martial lessons from Greece and Rome to an America abruptly at war. In short order, Hanson became a fellow at Palo Alto's Hoover Institute, a dinner companion of Bush and Dick Cheney, and the most unswerving defender of administration policies—even the ones the administration barely bothers to defend.

Hanson, you see, knows things you and I don't. His considerable certainty as to the strategic soundness of the war has been rooted not just in supposition but in historical analogy. "In the same way as the death of Hitler ended the Nazi Party and the ruin of the Third Reich finished the advance of fascist power in Europe," he predicted in 2002, "so the defeat of Saddam Hussein and the Iraqi dictatorship will erode both clandestine support for terrorism and murderous tyranny well beyond Iraq." Oops.

On his second try, Hanson foresaw an end to the strife once Hussein was killed or captured. "The Romans realized this," he wrote, "and thus understood that Gallic liberation, Numidian resistance, or Hellenic nationalism would melt away when a Vercingetorix, Jugurtha, or Mithradites all were collared, dead, or allowed suicide." Hanson is living proof that you can't take historical analogies to the bank.

In August of 2002, as Cheney raised the idea of taking the war to Iraq in a major speech to a Veteran of Foreign Wars assemblage, Hanson not only endorsed the idea but proposed that the government place "as many as 250,000 [troops] in immediate readiness" (to his credit, that number suggested he was an abler military strategist than anyone in Rumsfeld's shop). And yet, somehow,

when his quarter-million soldiers failed to materialize, he managed to decide that 150,000 (the actual number) was just fine—even writing, as the occupation descended into bloody hell, that more troops might have meant more casualties in the war's opening days.

As anti-war sentiment began to mount, Hanson dismissed it. "We are told," he wrote contemptuously in February 2002, "an attack against Iraq will supposedly inflame the Muslim world. Toppling Saddam Hussein will cause irreparable rifts with Europeans and our moderate allies, and turn world opinion against America." What to Hanson was nonsense looks like pretty fair prophecy today.

It was Abu Ghraib, though, that tested Hanson's true mettle as supreme apologist, and he rose to the occasion. "We do not know how many of the abused, tortured, and humiliated prisoners in the war's aftermath either belonged to the cohort of 100,000 felons let lose by Saddam on the eve of the war or were part of the Hussein death machine or themselves were recent killers who had assassinated and blown apart Americans," he wrote.

To Hanson, what Abu Ghraib imperiled wasn't America's honor or reputation for decency; after all, what dishonor attended the torture of prisoners suspected to be Hussein's thugs? No, the danger was that even conservatives had begun to call for Rumsfeld's scalp, threatening the architect of the war and the occupation that Hanson had defended with every analogy he could adduce. Desperate times require desperate measures, and it was not until Abu Ghraib that Hanson termed Rumsfeld "America's finest secretary of defense in a half-century."

Our failures in Iraq, Hanson now insists, are failures not of planning but of will. Though there are no anti-war demonstrations to speak of, and though hardly any political leaders are demanding withdrawal, Hanson smells a fifth column. "Whether this influential, snarling minority—so prominent in the media, on campuses, in government, and in the arts—succeeds in turning victory into defeat is open to question," he laments. He's counting on Bush—bolstered by his references to Churchill—to stay the course.

#### **THOMAS L. FRIEDMAN: THE ENABLER**

In some ways, the well-known *New York Times* columnist doesn't fit with the others on this list. A neoliberal rather than a neo-conservative, Friedman never drank all the Kool-Aid. But he was a vital—perhaps *the* vital—enabler of the war, because from his *Times* perch, he convinced many a reader (elite and layperson alike) who never would have been persuaded by the likes of Kristol that the war needed to be fought. (Honorable mention in this category, sadly enough, goes to *New Yorker* Editor David Remnick, who used a week during which lead "Comment" writer Hendrik Hertzberg was on vacation to make the magazine pro-war.)

For Friedman, the reasons the administration gave for going to war were always so much piffle. "I think the chances of Saddam being willing, or able, to use weapons of mass destruction against us are being exaggerated," he wrote in September 2002. But Friedman had his own reasons for encouraging a war. "What terrifies me is the prospect of another 9/11 ... triggered by angry young Muslims, motivated by some pseudo-religious radicalism ... So I am for invading Iraq only if we think that doing so can bring about regime change and democratization. Because what

the Arab world needs desperately is a model that works ...”

Friedman sounded all the right cautions. He wrote that democratizing Iraq would be difficult. He argued that the war needed international legitimacy. He even wrote that he was “against going to war without preparing the ground in America, in the region, and in the world at large to deal with the blowback any U.S. invasion will produce.”

And yet, and yet ... Friedman persisted in arguing for war, his war, though it was increasingly clear that when war came, it would hardly resemble the war he desired. In late January 2003, as war loomed, he again enumerated all his fears, only to write the most fatefully circular sentence in recent punditry: “But if war turns out to be the only option, then war it will have to be.”

Even after Baghdad fell, Friedman still viewed the merits of his own model occupation as the main story, while the emerging absurdities of the administration’s war were just so much distraction. On June 4, 2003, he wrote, “The failure of the Bush team to produce any weapons of mass destruction in Iraq is becoming a big, big story. But is it the real story we should be concerned with? No. It was the wrong issue before the war, and it’s the wrong issue now.” As time went by, Friedman finally realized that all was folly. “What is inexcusable is [the administration] thinking that such an experiment would be easy, that it could be done on the cheap, that it could be done with any old army and any old coalition ... That is the foolishness of George W. Bush, Dick Cheney, and Donald Rumsfeld. My foolishness was thinking they could never be so foolish.”

Friedman’s foolishness seems rooted in an almost willed ignorance of the figures in the Bush administration and the worldviews that defined them. How much attention to administration folkways did one need to pay to realize that Bush would never fund the war through a tax increase, nor care if he had broad international backing or not? “I have to admit I’ve always been fighting my own war in Iraq,” Friedman wrote in the summer of 2003. “Mr. Bush took the country into his war.” Was it too much to ask the nation’s most important foreign-policy journalist to focus on Bush’s war—particularly because, well, it was Bush, and not Friedman, who was president?

#### CHRISTOPHER HITCHENS: TROTSKY IN BAGHDAD

Hitchens’ war is, if anything, more idiosyncratic than Friedman’s. Unlike Friedman, however, Hitchens enthusiastically supports Bush’s war, though it’s less than even money that Bush would recognize his war as the one Hitchens describes in his endless number of print and electronic venues.

Hitchens’ war pitted his comrades in the democratic Kurdish resistance and the Iraqi secular left against the fascist regime of Saddam Hussein—and today, against the murderous savagery of the Baath Party holdouts and Islamic fundamentalists. Were this the only aspect of the conflict, who on the left would not join Hitchens in his embrace of the war? To this analysis, Hitchens has appended what critic Irving Howe once called “the infatuation with History” through which some Marxists justified their support for numerous flawed causes. In Hitchens’ Iraq, modernity and self-determination duel with primitivism and thugocracy, and History has ordained the outcome.

This Marxist certitude can, though, lead to a certain indifference to the small stuff. “The thing is to realize that the other side is going to lose,” Hitchens said on MSNBC’s *Hardball* in November 2003. “The point is that the United States is on the right side of history in the region ... When Bush said, ‘Bring it on,’ I completely agreed with him ... They will be doing the dying in the long run [emphasis added]. They will rue the day they tried.”

In addition to History, there’s history—that is, Hitchens’ own, on the left, from which he grows more and more willfully remote. Iraq is the third war, after Kosovo and Afghanistan, that Hitchens has defended against the far left. He is rightly repelled by that left’s a priori anti-Americanism (two decades at *The Nation* can do that to more sober sensibilities than Hitchens’). But he then pulls a sleight of hand that many war hawks use: He magnifies the left’s influence to the whole of liberal America, so that any liberal who opposed the Iraq War is suddenly in league with Noam Chomsky and Ramsey Clark. “I can only hint at how much I despise a Left that thinks of Osama bin Laden as a slightly misguided anti-imperialist,” he wrote in *The Washington Post*, as though he were bravely taking on a genuine force in American politics.

If you’re not with Hitchens, Bush, and History, you’re against them—and probably a dupe of bin Laden’s. “[Senator John] Kerry adds something else that annoys me very much,” Hitchens told Tim Russert in a September 2004 interview in which he endorsed Bush for re-election. “He gives the impression, sometimes overtly, that our policy has maddened people against us and ... incited hatred in the Muslim world and so on, in which, again, there is an element of truth.” Kerry, of course, was overtly right; but when Hitchens finished twisting the senator’s words, he was objectively on the side of evil: “If people say, ‘Let’s have a foreign policy that does not anger the bin Ladenists’ ... what are they asking for?”

Kerry, evidently, can’t see the broad sweep of History, whose verdict makes right even the bad things that happen to good people. What are a few American lives if they serve History’s purposes? “The U.S. armed forces are learning every day how to fight in extreme conditions, in post-rogue-state and post-failed-state surroundings, and with the forces of medieval tyranny,” Hitchens wrote in the *Los Angeles Times* last October. “Does anyone think this is not an experience worth having, or that it will not be needed again?”

THE POINT HERE IS NOT JUST THAT THE PUNDITS’ predictions were wrong—or, in the case, of Friedman, right, but he chose to ignore them—or their post-facto justifications pathetic. The point is that in the sway of ideology, or historical imperative, or loyalty to the administration’s hawks, they misrepresented supposition as fact, excused the misconduct of administration officials, and neglected to consider the predictable consequences of the war they promoted. If we truly lived in the culture of consequences that conservatives profess to support, the role of these pundits in our national conversation would be greatly, and justly, diminished. TAP

Kelly Kinneen, Jordan Kline, and Alyson Zureick provided research assistance for this article.



**On Iraq and al-Qaeda**



**William Kristol**

"I do believe Saddam Hussein, at the end of the day, is behind Osama bin Laden."  
— SEPTEMBER 12, 2001

**On WMD**

"I think we'll be vindicated when we discover the weapons of mass destruction and when we liberate the people of Iraq."  
— MARCH 5, 2003

**On Abu Ghraib**

"We've got to win this war. And it is insane for this country to be obsessing about a small prisoner-abuse scandal."  
— MAY 16, 2004

**On the Plame leak**

"Joe Wilson's wife is still at her job—it was unfortunate that her name was revealed by Bob Novak. But she is still at her job."  
— MARCH 25, 2004



**Charles Krauthammer**

"Look, it's obvious that [Osama bin Laden] will ally himself, as he said, with the communists, is what he called the Baath Party, as a way to fight the infidels."  
— FEBRUARY 15, 2003

"If we go to war, even if in the absence of hard evidence, we're going to win the war, and when the war is over, we're going to produce all of that evidence."  
— JULY 7, 2002

"This obsession with why we are responsible when we know that these people butchered Daniel Pearl before all of this scandal—I think is unconscionable."  
— MAY 12, 2004

"Watergate was a story. This is not a story."  
— JULY 17, 2005



**Victor Davis Hanson**

"The more information we learn of various contacts between al-Qaeda and Iraq, the more our [anti-war] pundits assure us that there are, in fact, no connections."  
— OCTOBER 18, 2002

"Should textual or material evidence of weapons of mass destruction, and of Saddamite ties with al-Qaeda, soon appear (and they will)..."  
— AUGUST 8, 2003

"War is hell, and those who do not endure it are not entirely aware of the demons that are unleashed, and thus should hold their moral outrage until the full account of the incident is investigated and adjudicated."  
— MAY 3, 2004

Silence



**Thomas Friedman**

"What liberals fail to recognize is that regime change in Iraq is not some distraction from the war on al-Qaeda."  
— JANUARY 22, 2003

"The failure of the Bush team to produce any weapons of mass destruction in Iraq is becoming a big, big story. But is it the real story we should be concerned with? No."  
— JUNE 4, 2003

To his credit, Friedman was as outraged by Abu Ghraib as any sane person.

Silence



**Christopher Hitchens**

"There are reams of verifiable contact between al-Qaeda and Baghdad."  
— DECEMBER 4, 2003

"The first consideration is so obvious that it usually escapes notice: If Iraq now contains no arsenal of mass destruction, we only know this as a fact because it has at last been disarmed and inspected."  
— APRIL 30, 2004

"[Lynndie England and Charles Graner] are two fantastically bad apples, and there's no reason why they should be allowed to drag the whole reputation of the United States into the muck."  
— MAY 8, 2005

"The coverage of this non-storm in an unteacup has gone far beyond the fantasy of a Rovean hidden hand."  
— JULY 18, 2005

— Jordan Kline and Alyson Zureick

# Student Body Right

*At evangelical colleges like Pat Robertson's Regent, what they're taught and what they learn are two very different things.*

BY CHRISTOPHER HAYES

IT WAS OVER CANTALOUPE AND COTTAGE CHEESE THAT the Lord told Pat Robertson to build a university. The year was 1975, and the minister, then 45, was running so late for a meeting that he decided to head to a nearby coffee shop, get his “famous” snack, and wait the meeting out. It was at the beginning of this fateful, hooky-playing repast, as Robertson said grace, that the Heavenly Father told him to buy a vacant patch of land the minister had recently seen in Virginia Beach “and build a school for My glory.”

Robertson was recounting the creation story of Regent University to a crowd of about 200 people inside a Baptist church on a cool May evening in Chesapeake, Virginia, 15 miles from Regent's main campus. Smiling beatifically, dressed in full academic regalia, and draped with a massive medallion reminiscent of Run-DMC-era bling, he seemed to be genuinely enjoying himself.

And why not? Twenty-seven years after the school opened its doors to 77 communications (naturally) graduate students, its student body now exceeds 3,000 in nine different graduate schools, including law, psychology, and government. Recently, Regent has begun teaching undergraduates as well. It has opened a new campus in Washington, D.C., and started a distance-learning program over the Internet that now enrolls 900 students. This past year, it bagged John Ashcroft as a lecturer, and Regent Law School grad and trustee Bob McDonnell just won the Republican nomination for state attorney general in Virginia.

Robertson began his sermon with a news report about General Motors President Rick Wagoner, who was facing pressure from shareholders in a year in which the company had \$200 billion in sales. “If I had \$200 billion in sales,” Robertson said, “I’d be happy.” The crowd seemed a little baffled by the reference, but Robertson got them when he explained that, as the Bible says, “To whom much is given, much will be expected.” Much, he went on to explain, had been given to the students sitting before him, and so much would be expected in return, nothing less than “Christian leadership to change the world ... . We’re not going to be content just doing a little bit,” Robertson said. “I want the whole world!”

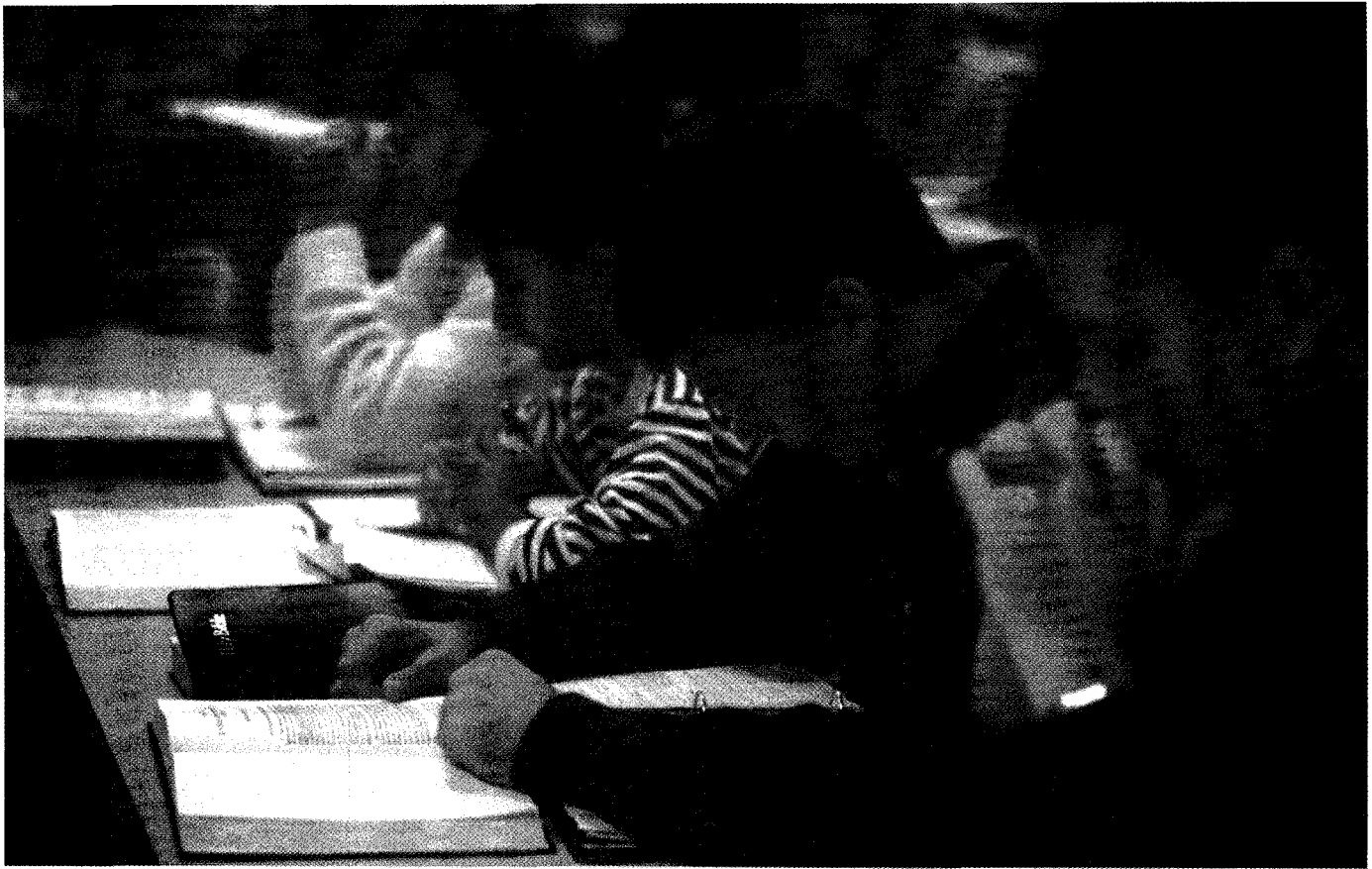
IN THE CONSTANT DRUMBEAT OF PRESS ABOUT THE POLITICAL muscle of the nation's 60 million evangelicals, a key fact is often overlooked: Even after all of Karl Rove's efforts, white evangelicals are still involved in politics—whether it's volunteering, giving money, or simply voting—at rates below those of their nonevangelical peers. In 2004, 63 percent of eligible evangelicals voted, their highest showing on record but a turnout rate still below Jews and mainline Protestants. Activating evangelicals to participate in politics is a bit like turning around a barge.

The explosion in evangelical colleges in recent years may portend vast change on that front. Evangelical colleges have undergone a kind of renaissance both in the quality and the quantity of their scholarly production—what religious historian Alan Wolfe referred to, in an October 2001 article for *The Atlantic Monthly*, as “The Opening of the Evangelical Mind”—and in their enrollment, which has risen dramatically. As America's evangelicals continue to rise in socioeconomic status, more are going to college, and they are swelling the ranks of the nation's Christian universities. Between 1990 and 2003, enrollment in the 101 schools that make up the Council for Christian Colleges and Universities, or CCCU (of which Regent is an affiliate member), jumped 64 percent, twice the growth rate at public schools and one and a half times the growth rate at private schools. Generally, CCCU schools hire only Christian faculty, and they often ask students to sign declarations of faith and follow strict codes of conduct.

But something else has changed at evangelical colleges besides the number of students: What were once institutions designed to protect students from the secular world have become launching pads that prepare students to radically change it. For the duration of the life of the republic, evangelicals have waxed and waned in their involvement in public life, taking up the mantle of causes with an unmatched devotion and effectiveness, as they did during abolition and Prohibition, and then withdrawing for long periods, as they did in the middle of the 20th century, into a more hermetic and spiritually focused outlook.

Joel Carpenter, provost at Calvin College in Grand Rapids, Michigan, and a historian who studies American evangelicals, refers to these two competing strains in evangelical life as the “puritan” and “pietistic,” respectively. The puritan strain, Car-





**Is That A Torts Textbook?** Students praying at Regent Law School

penter says, emerges out of the “idea that God made covenants with nations and held nations accountable according to how well they met divine norms: ‘Righteousness exalteth the nations.’” The pietistic strain, on the other hand, might best be summed up by this sentiment: “Preachers are not called upon to be politicians but soul-winners. Nowhere are we commissioned to reform the externals.”

The man who said that was none other than Jerry Falwell, and he was responding to the unseemly activism of a young minister-reformer named Martin Luther King Jr. (Given the circumstances, that quote might also serve as a cautionary note to those progressives who’d like to see politics completely neutered of religion.) Of course, Falwell eventually changed his tune. But his words bring into relief just what a U-turn the country’s evangelicals took beginning in the mid-1970s. And while most American evangelicals retain a strong vestigial instinct to devote themselves to being “soul-winners” and to view their faith as a matter of personal devotion rather than the source of a mandate to wage cultural war, Robertson and his ilk realize that if evangelicals are to achieve their full electoral potential, that kind of thinking must be eliminated. And there are few more powerful means of doing just that than education.

In the last few years, several conservative activists have followed in Robertson’s footsteps. In 2000, activist, lawyer, and homeschooling maven Michael Farris founded Patrick Henry College in Virginia, the idea for which, he told *The New Yorker’s* Hannah Rosin, grew partly out of conversations with conservative members of Congress eager to find homeschooled evangeli-

cals to work on their staffs (85 percent of Patrick Henry’s students were homeschooled). In 1999, conservative multibillionaire and Domino’s Pizza founder Tom Monaghan donated \$50 million to start the Ave Maria School of Law in Ann Arbor, Michigan. The school, which boasts of its “outstanding legal education in fidelity to the Catholic Faith as expressed through Sacred Tradition, Sacred Scripture, and the teaching authority of the Church,” promptly landed Robert Bork on its faculty and Clarence Thomas and Antonin Scalia as speakers. In 2003, its graduates achieved the highest average bar score in the state of Michigan. (Ave Maria, Regent, and Patrick Henry are all fully accredited, though the process hasn’t necessarily been easy; Patrick Henry, for instance, was involved in a protracted scuffle with the American Academy for Liberal Education over the creationist language in its statement of faith.) This year, Ave Maria Dean Bernard Dobranski helped Falwell’s Liberty University open its own law school, one that Falwell vows will “be as far to the right as Harvard is to the left . . . We want to infiltrate the culture with men and women of God who are skilled in the legal profession.”

**R**EGENT’S 700-ACRE CAMPUS IS NOT SO MUCH BUCOLIC as a facsimile of bucolic-ness. The landscaped lawns and breezy woods are rimmed by a highway, the low, persistent drone of which follows you wherever you walk. The red brick buildings, all built in a graceful colonial style, feel just-finished, as if gallons of water from the nearby Batten Bay were added to an Instant Colonial Village cake mix. Turn the wrong corner and you’ll end up behind the Christian Broadcasting Network headquarters,

staring at loading docks and massive white satellite dishes.

Today Regent calls itself the “preeminent Christian graduate university,” but its success has been somewhat improbable. Unlike the overwhelming majority of Christian schools, most of which are either four-year liberal-arts colleges or seminaries, Regent has focused on graduate programs, becoming an institution that, as Robertson said in a promotional video, “would have the various disciplines that would address the major areas of most influence in the country.”

Robertson didn’t want to just train journalists, lawyers, and business leaders who happened to be Christian; he wanted to produce a new class of Christian journalists, Christian lawyers, and Christian business leaders—well-trained, influential, and guided in their professional lives by a sense of Christian mission (as Robertson, of course, defines it). Regent’s central insight—one that’s come to dominate Christian higher education—is that in order to create Christian lawyers or journalists or film editors, the school would need to do more than simply augment its professional education with Bible study and group prayer. Students would be

doesn’t affect every part of their lives,” says Lynne Marie Kohm, John Brown McCarty Professor of Family Law at Regent. “If you’re really strong in your faith,” she told me, it affects everything from how you raise your children to how you view criminal justice. “[I]f you think there’s responsibility,” she says, “then that entails some things in terms of crime and punishment.” Whereas at the College of William & Mary, where she formerly taught law, she felt she couldn’t access biblical truths, Regent *requires* her to integrate the Bible into discussions of family law. “The Bible does say that any person who doesn’t support his family is worse than an unbeliever,” she says. “I can look to Timothy 5:8, and then look to the problem of someone not paying child support ... At any school people will say, ‘Oh yeah, people should be responsible for their kids.’ But the authenticity of biblical truth adds to the truth of the empirical research.”

Kohm says her goal is to not only to provide her students with a sound legal education—“We want to see [our students] get those top clerkship positions and be the leaders and gatekeepers of the future”—but also to encourage them to view the law,

their faith, and politics holistically, so that they are “thinking about [their] worldview in every way.”

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***Robertson didn’t want journalists, lawyers, and business leaders; he wanted Christian journalists, Christian lawyers, and Christian business leaders.***

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given a road map of what sort of life and career a Christian lawyer or journalist or film editor might have. They would, in the fashionable argot of evangelical pedagogy, be given a “worldview.”

The concept of worldview has come to occupy such a central place in Christian higher education that some administrators now fear that it’s turning into a buzzword. Simply put, a Christian worldview is one that takes as its ultimate premises the truth of both testaments of the Bible: God’s creation of the earth and the fall of man through original sin from the Old Testament, and, from the New, redemption through Christ.

This framework can be, and is, interpreted and applied in myriad contradictory ways. At its best, worldview pushes students to rethink settled positions, to wrestle with what a Christian’s duty is to the poor or the infirm or those on death row. It can create a sense of mission and moral obligation that produces students who sound strikingly like liberals—vowing never to “sell out,” determined to do more than simply make a lot of money. At its worst, though, worldview reduces to an uncritical acceptance of a handful of issue positions that have come to dominate the political energies of the religious right; it is the ideological bus that picks people up at church and drops them off at the voting booth. For this reason, understanding what a Christian worldview means and how it plays out in the professional and political sphere is crucial to understanding not only the explosive growth of evangelical higher education but the mechanism by which American evangelicals increasingly identify a specific political party and set of policies as the one true expression of the Christian faith.

“There are a lot of people who are strong in their faith, but it

doesn’t affect every part of their lives,” says Lynne Marie Kohm, John Brown McCarty Professor of Family Law at Regent. “If you’re really strong in your faith,” she told me, it affects everything from how you raise your children to how you view criminal justice. “[I]f you think there’s responsibility,” she says, “then that entails some things in terms of crime and punishment.” Whereas at the College of William & Mary, where she formerly taught law, she felt she couldn’t access biblical truths, Regent *requires* her to integrate the Bible into discussions of family law. “The Bible does say that any person who doesn’t support his family is worse than an unbeliever,” she says. “I can look to Timothy 5:8, and then look to the problem of someone not paying child support ... At any school people will say, ‘Oh yeah, people should be responsible for their kids.’ But the authenticity of biblical truth adds to the truth of the empirical research.”

It’s for this reason that Regent’s professors are required to integrate “biblical principles” into every subject area, and it’s the reason that law students take a class their first year in the Christian foundations of law. Regent Law School Dean Jeffrey Brauch calls the result a “JD-plus.” Students take the standard canon of legal education—torts, property, constitutional law—but supplement discussions of what the law *is* with discussions of what the Bible and Christian tradition say the law *should be*, reading Leviticus, the Gospel of Matthew, and Thomas Aquinas alongside their case law. The same model extends throughout Regent’s nine schools, which offer courses like “Redemptive Cinema” and “Church-based Counseling Programs,” while infusing standard professional training with insights and injunctions from the Judeo-Christian (read: Christian) tradition.

James Davids, an attorney whose undergraduate degree is from Calvin College and who is now assistant dean of Regent’s Robertson School of Government, teaches a course called “Christian Foundations of Government.” He explained to me how worldview informs his curriculum. Every philosophy, he told me, is constructed around a couple of key questions: Where did we come from, and who are we? The answers determine what kind of government people favor.

Davids: “If we have been designed by God in His image, then we are uniquely made ... and we have certain inalienable rights ... The state didn’t give them to us; only God did, therefore the state can’t take them away. For the secular worldview, if we were not created by God, we owe no duty to God, no duty to follow his precepts and the way he has revealed himself, then ... the laws wouldn’t be

**A**T A SCHOOL DESIGNED EXPLICITLY to produce influential professionals, worldview plays an especially crucial role; it is the bridge from inner spiritual beliefs to public action in the profes-



based on anything other than just the will of the populace, who's got power. Therefore those laws would change, they're not immutable. Those are two fundamentally different points of view."

The other dividing line, in Davids' view, is between those with a generally rosy outlook of human nature and those who believe that humans are inherently sinful. Here I started to get a little lost. "The implication for the secular point of view," he says, "is that, doggone it, we need more money for education, and through education we will eventually perfect man. Therefore government is certainly very necessary and a good thing. [We need] greater control so that man can become a better being. For Christians, the implication that man is by nature sinful leads to the conclusion that you much prefer limited government. You prefer a separation of powers ... because you don't trust anyone to be all too powerful. You tend to not like dictators because you know that man with enough power will create evil ... That kind of flows out of the philosophy or viewpoint."

But wait a second: The dominant form of government in the West for more than a thousand years was divine-right monarchy—Christians who ruled absolutely with the supposed sanction of God. And the belief that humans are inherently sinful could just as well lead to the idea that, à la Thomas Hobbes, a strong central government is needed to keep that sinfulness from manifesting itself in a state of unceasing civil war. Or to quote Rick Santorum, "When people can't control their desires, we have to pass laws to stop their desires."

Davids responded by reeling off a list of authors to read so I could more fully understand his view. One of them was Nancy Pearcey. A fellow at the World Journalism Institute, which provides training for Christian journalists, and a former fellow of the leading "Intelligent Design" think tank, the Discovery Institute, Pearcey recently published *Total Truth: Liberating Christianity from Its Cultural Captivity*, a book that Davids, Kohm, and others referenced as seminal in their approach to teaching worldview.

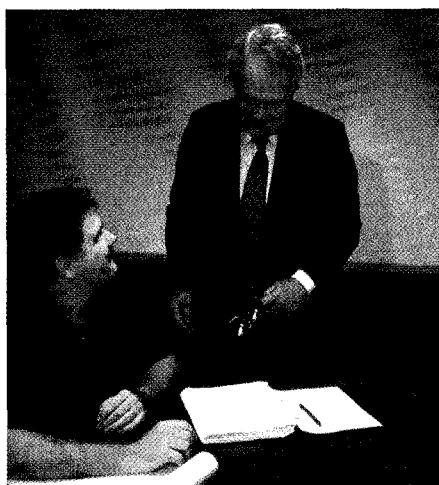
Pearcey's argument, which borrows heavily from the influential conservative theologian Francis Schaeffer, begins fairly straightforwardly: "Christianity is not just religious truth, it is total truth—covering all of reality." As Pearcey sees it, contemporary secular society imposes a series of debilitating dichotomies on Christians that create a kind of DuBoisian double consciousness. She cites, as an example of this "divided mind," a Christian woman who works at a Planned Parenthood clinic and a physicist who says, "Quantum mechanics is like auto mechanics; it has nothing to do with my faith." (This recalls Scalia's dissent in *Lee v. Weisman*, in which he charged the majority with turning religion into a "purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one's room.") The goal for Christians is to overcome this division and live a life of integrity, or wholeness.

According to Pearcey, what underlies the supposedly false distinction between private faith and public behavior is a deeper

philosophical distinction between fact and value, one which crops up in many undergraduate philosophy classes and serves to distinguish between propositions like, on the one hand, the theorems that make up Newtonian physics and the date of the Pearl Harbor bombing, and, on the other, the convictions that it is wrong to eat animals and that homosexuality is a sin. Pearcey points out that for a believer, there is no distinction between these two kinds of truth: If you believe that the wrongness of homosexual relationships is God's truth, it has the same status as the laws of physics, the same objective immutability as a date. For her, the distinction serves only as a sly means for secularists to undermine the revealed truth of the faithful; it "functions as a gatekeeper that defines what it is to be taken seriously as genuine knowledge and what can be dismissed as mere wish fulfillment."

Pearcey then takes a clever turn. She borrows from postmodernism (!) to argue against the possibility of truly "neutral" worldviews and to undermine the distinction between facts and values. "All facts are theory-laden," she quotes philosophers of science as saying, and all theories of the world are colored by certain assumptions, none of which, even from a secular, rational perspective, exists on any elevated epistemic plane: Faith in reason is just the same as faith in God. "In this sense," Pearcey writes, "we could say that every alternative to Christianity is a religion."

It's important to note just how fundamental this fact-value split is to a functioning, pluralist society. One way of



It's Pat! Robertson with a Regent student

viewing the division is as purely sociological categories: Anywhere you go in the world, people generally agree about how to build a bridge or a dam, or what year the United Nations came into existence. But they don't agree about whether or not women should be veiled from head to foot, or whether cows should be eaten. To have a functioning public sphere, participants have to make arguments about values that appeal to publicly accessible moral intuitions and shared principles, and not to the will of God, interpretations of religious texts, or sectarian revelations (whether biblical, Koranic, Talmudic, or Vedic). Most important, pluralist democracies require that we make distinctions between private matters of conscience (dietary choices, which day to worship) and public matters of law (the optimal way to punish criminals). This is not to say that religion has no place in the public sphere, or that people's values, premises, and worldviews don't color their views on public problems of governance. But as a brute fact of coexistence, the fact-value distinction embodies a kind of forced humility that, frankly, keeps the entire liberal democratic enterprise running. "The spirit of liberty," as Justice Learned Hand once wrote, "is the spirit that is not too certain it is right."

**S**TUDENTS, PROFESSORS, AND ADMINISTRATORS ALIKE ARE eager to dispel the notion that their schools engage in brute indoctrination, and from interviews with more than a dozen current and former Regent students, it's clear that

there's little consensus about what, exactly, "Christian leadership" actually means. Interpretations run the gamut, from a government-school grad who ran for Congress in North Carolina to a film student who said he'll just try to avoid "sexuality or, to a degree, brutality" in the films he edits. In a promotional video, Brauch says that Regent has more academic freedom than secular schools because it's not tied down by "political correctness." This was a common refrain. Davids made the point that while people of faith aren't made to feel welcome in secular classrooms, "There are people in my class who are very much scientific naturalists. Most interestingly, they typically come from public universities. I probably engage them more than the others. In one class there is this one wonderful African American lady. She is an absolute delight in class because we have a running conversation, and that, to me, is just a gem of a class."

But the insistence on the quantity and even the rigor of the debate obscures the real issue: just what is subject to debate. What a worldview does is cleave the world into two, identifying in one column those first principles that are taken as given (there is a God, Jesus Christ is His only son) and, in the other column, the many beliefs, values, and positions that one might hold that are less certain (like under what conditions preemptive war is justified). Exactly which beliefs get put in which column is going to have profound political consequences, even if the worldview isn't taught with an explicitly or predominantly political end in mind. If you suggest to students that an opposition to abortion and a defense of "traditional marriage" are foundational aspects of a Christian worldview, you will very likely produce reliable Republican voters.

During an afternoon I spent at Wheaton College in Illinois, I asked professor Mark Noll, a renowned evangelical historian who is as thoughtful and as dedicated to free inquiry as anyone in Christian intellectual circles, how the faculty at Wheaton would react to a student who became a socialist. "Almost all of the faculty would love to have a graduate who becomes a socialist," Noll said with some relish, "who can explain, in patient, thorough terms, why the mandates of the Christian gospel demand socialism." What about a student whose faith led him or her to endorse gay marriage or to support choice on abortion? "It would be much harder to get a hearing," Noll says. "Marriage and abortion are close to where the pietism and puritanism intersect." Put another way, they're pretty firmly in that first column.

What political positions are or are not mandated by a Christian worldview is the source of heated debate among Christian academics. Joel Carpenter, of Michigan's Calvin College (and a self-described "lifelong Democrat"), stresses that worldview properly understood doesn't prescribe a single party platform or set of political convictions. He noted the controversy that broke out in May, when President Bush visited Calvin's campus and a third of the school's faculty took out an ad in the school paper expressing their belief that the Iraq War was immoral (although he admitted that the dissenters "just got hammered for that").

Others I spoke to expressed serious misgivings about the ways in which putatively apolitical educational institutions have come to be tightly aligned with a specific partisan agenda.

"I think like Esau, who sold his birthright for a bowl of soup, we sold our academic freedom," said one faculty member at an evangelical university that recently landed on the Young America's Foundation's first-ever "Top Ten Conservative Schools" list. "[The foundation is] willing to fund anything you want ... . A lot of people associated with the conservative movement show up on campus because their way is paid ... . Not all of us are pleased."

Bob Andringa, president of the CCCU, says his members don't want to associate themselves with the Christian right and are now turning their attention to "social justice" issues like "HIV/AIDS" and "global warming." It's possible Andringa was just telling me what I wanted to hear. (In the age of Google, everyone you interview knows exactly where you're coming from; Andringa, a former GOP House staffer, was so focused on "social justice" during our 20-minute interview that I half expected him to tell me that the CCCU was gearing up for a big "Free Mumia" push.) But many of the students I spoke to at Regent and other schools seemed to be on the same wavelength. Amy Black, a political-science professor at Wheaton, told me the biggest source of campus activism was a movement to increase funding to fight AIDS in Africa, which started after Bono came to Wheaton and challenged the students to end the scourge.

These sorts of rumblings are a reflection of the fact that there is a whole host of issues that animate young conservative Christians, and a fairly high degree of diversity in the ideological positions that students at Christian schools hold. In 1982, James Davidson Hunter conducted a survey of students at 16 different evangelical colleges on their political attitudes and published his findings in the book *Evangelicalism: The Coming Generation*. In 1996, Corwin Smidt, a political scientist at Calvin College, distributed the same survey to students at the same schools in order to track the changes in attitudes of young evangelicals. He found that "evangelical college students exhibit little overall consistency in the issue positions they adopt," and that nearly half favored "greater environmental protection even if it raises prices or costs jobs." Students were also evenly divided on whether to ban all abortions, strongly in favor of registering firearms, and strongly opposed to affirmative action and nationalized health insurance.

But the students were strikingly uniform in their political identification: More than two-thirds identified as Republicans and only 9 percent identified as Democrats. "On many issues, the evangelical college students in '96 expressed what might be called more liberal positions" than they had in 1982, Smidt says. But "who they define themselves as politically is much more conservative. And they moved much more toward the Republican Party and abandoned their independence."

It just might be that what students are *taught* at a place like Regent, or even Calvin and Wheaton, is to live out a Christ-centered existence in all facets of their lives. But what they *learn* is to become Republicans.

As it turns out, that's proving to be enough to change the world. **TAP**

*Christopher Hayes is a contributing editor of In These Times.*



# Inferior Design

*In late September, a contemporary Scopes trial gets under way in Pennsylvania. For the right, it's been 39 years in the making.*

BY CHRIS MOONEY

ON SEPTEMBER 26, AN EVENT THAT THE NATIONAL media will surely depict as a new Scopes trial is scheduled to begin. Hearings will commence in a First Amendment lawsuit brought by the American Civil Liberties Union against the Dover, Pennsylvania, school district over its decision to introduce "Intelligent Design," or ID, into its biology curriculum. The analogy with the 1925 Tennessee "monkey trial" certainly has its merits. With a newly rejuvenated war against evolution now afoot in the United States, one being prosecuted by religious conservatives and their intellectual and political allies, it is virtually inevitable that the courts will once again serve as the ultimate arbiters of what biology teachers can and cannot present to their students in public schools.

The Dover case was filed on church-state grounds, and the Dover school-board member who drove the policy in question made his conservative Christian motivations clear in widely reported public statements (which he now disputes having made). And yet, curiously, members of the national ID movement insist that their attacks on evolution aren't religiously motivated, but, rather, scientific in nature.

That movement's home base is Seattle's Discovery Institute, whose attempt to lead a specifically intellectual attack on evolution—one centered at a think tank funded by wealthy extreme conservatives and abetted by sympathetic Republican politicians—epitomizes how today's political right has developed a powerful infrastructure for battling against scientific conclusions that anger core constituencies in industry and on the Christian right. Just as Charles Darwin himself cast light on the present by examining origins, in the history of the Discovery Institute, we encounter a narrative

that cuts to the heart—and exposes the intellectual sleight of hand—of the modern right's war on science.

NEARLY 40 YEARS AGO, IN 1966, TWO TALENTED YOUNG political thinkers published an extraordinary book, one that reads, in retrospect, as a profound warning to the Republican Party that went tragically unheeded.

The authors had been roommates at Harvard University and had participated in the Ripon Society, an upstart group of Republican liberals. They had worked together on *Advance*, a mag-

azine that slammed the party for catering to segregationists, John Birchers, and other extremists. Following their graduation, they published *The Party That Lost Its Head*, a spirited polemic that devastatingly critiqued Barry Goldwater's 1964 presidential candidacy. The book labeled the Goldwater campaign a "brute assault on the entire intellectual world" and blamed this development on a woefully wrong-headed political tactic: "In recent years the Republicans as a party have been alienating intellectuals deliberately, as a matter of taste and strategy." If the party wanted to win back the "national consensus," the authors argued, it had to first "win back" the nation's intellectuals.

Their critique was both prescient and poignant. But the authors—Bruce Chapman and George Gilder—have since bitten their tongues and morphed from liberal Republicans into staunch conservatives. Once opponents of right-wing anti-intellectualism, they are now prominent supporters of conservative attacks on the theory of evolution, not just a bedrock of modern science but also one of the greatest intellectual achievements of human history. Chapman now serves as president of the Discovery Institute; Gilder is a senior fellow there.



So not only have Chapman and Gilder become everything they once criticized; their transformation highlights how the GOP went in precisely the opposite direction from the one that these young authors once prescribed—which is why the anti-intellectual disposition they so aptly diagnosed in 1966 still persists among modern conservatives, helping to fuel a full-fledged crisis today over the politicization of science and expertise.

Chapman, a Rockefeller Republican to his core during a career in electoral politics in Washington state, moved to the right after entering the Reagan administration in 1981 as director of the Census Bureau. By June 4, 1983, Chapman could be found publicly condemning liberalism for its “shabby, discredited, sophisticated values” and defending “traditional morality.” In an article on the “Harvard-trained former liberal,” *The New York Times* singled out Chapman’s political shift as emblematic of “a converging of the intellectual left with the religious right within the [Republican Party] under the Reagan banner.” Chapman soon left the Census Bureau to work in the White House under Reagan adviser (and later Attorney General) Edwin Meese.

As the 1980s ended, Chapman initially seemed to veer away from his newfound social conservatism. In the early days of the Discovery Institute—which originated as a Seattle branch of Indianapolis’ center-right Hudson Institute—he drew heavily on connections from his moderate Seattle past. Originally, Discovery focused on issues like the economic competitiveness of the city and national telecommunications policy. The vibe was forward-looking, futuristic, and intellectually contrarian.

Yet in the 1990s, Discovery became home to the ID movement’s reactionary crusade against the theory of evolution. Bringing creationism up to date, ID proponents insist that living organisms show detectable signs of having been designed (that is, specially created) by a rational agent (presumably God), while denouncing Darwinism for inculcating atheism and destroying cultural and moral values that had previously been grounded in piety. Such arguments put the ID campaign squarely at the center of a religiously driven culture war, and Chapman has described ID as the Discovery Institute’s “No. 1 project.” His friend Gilder, meanwhile, has ridiculously pronounced that “the Darwinist materialist paradigm ... is about to face the same revolution that Newtonian physics faced 100 years ago.”

Intelligent design—the 2.0 version of creationism, as *Wired* magazine called it—has many antecedents. Before the publication of Darwin’s *On the Origin of Species by Means of Natural Selection* in 1859, many—indeed most—educated men and women accepted the precepts of “natural theology,” an argument by analogy that just as human artifacts like watches show signs of a designer’s hand, so do specialized organs like the eye. Perhaps the most famous proponent of this argument was the Reverend William Paley, author of the 1802 work *Natural Theology*.

Darwin read (and was impressed by) Paley as a young student

at Cambridge. His *Origin*, however, unfolds as an elaborate rebuttal to Paley’s recourse to divine intervention, explaining how complex organs could have evolved through gradual stages from imperfect but still useful antecedents, or from simpler structures that were co-opted for new uses. As Darwin noted in a famous passage from the book’s second edition:

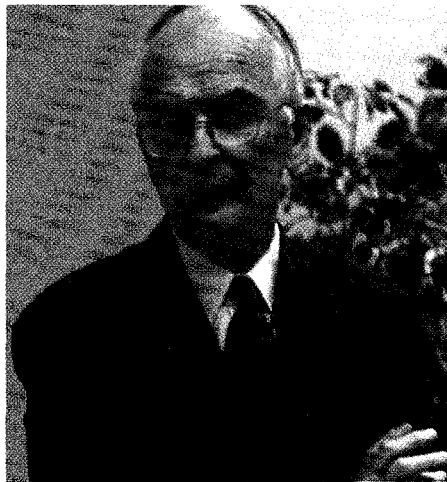
To suppose that the eye, with all its inimitable contrivances for adjusting the focus to different distances, for admitting different amounts of light, and for the correction of spherical and chromatic aberration, could have been formed by natural selection, seems, I freely confess, absurd in the highest possible degree. Yet reason tells me, that if numerous gradations from a perfect and complex eye to one very imperfect and simple, each grade being useful to its possessor, can be shown to exist; if further, the eye does vary ever so slightly, and the variations be inherited, which is certainly the case; and if any variation or modification in the organ be ever useful to an animal under changing conditions of life, then the difficulty of believing that a perfect and complex eye could be formed by natural selection, though insuperable by our imagination, can hardly be considered real.

Providing the linchpin of modern biology, Darwin’s work supplanted natural theology’s argument from design and left it by the wayside.

Representatives of Chapman’s think tank, however, have plucked the design argument from the annals of intellectual history and pronounced it modern science. Granted, today’s technophile ID advocates dress up their arguments “in the idiom of information theory,” as leading ID proponent William Dembski has put it, claiming, for instance, that the massive

amounts of biological information encoded in DNA could not have arisen through natural selection and must therefore have been designed by an intelligent agent. But judging from ID’s poor scientific publication record, it has failed to persuade working biologists to join in this quixotic enterprise. In a 2002 resolution, the American Association for the Advancement of Science firmly stated that “to date, the ID movement has failed to offer credible scientific evidence to support their claim that ID undermines the current scientifically accepted theory of evolution.”

Nevertheless, ID hawkers have crisscrossed the United States arguing that public schools should “teach the controversy” over evolution—a controversy they themselves have manufactured. In Ohio, one state where they have enjoyed considerable success, the state board of education adopted a model lesson plan in early 2004 inviting students to “critically analyze five different aspects of evolutionary theory.” In fact, the lesson plan contains spurious critiques of evolution that scientific experts have rejected and that were explicitly opposed by the National Academy of Sciences. In the Dover Area School District in Pennsylvania, meanwhile, local anti-evolutionists have actually gone further and explicitly introduced intelligent design into science classes (a tack the Discovery Institute has come to oppose, probably because of



Mr. ID: Bruce Chapman



its obvious unconstitutionality). So successful has the Discovery Institute been in popularizing ID, it may have lost control of how anti-evolutionists at the local level go about applying its ideas.

AS THESE ACTIVITIES SUGGEST, ID PROPONENTS HAVE adopted many of the same political tactics practiced by the old-school creationists. Granted, ID diverges in some respects from earlier forms of American anti-evolutionism. It certainly isn't synonymous with "creation science," which provides a supposedly scientific veneer for the biblically based belief that the earth is only between 6,000 and 10,000 years old. Creation scientists seek to debunk radioisotope dating, which geologists use to determine the age of rocks. They also rely on the feverish claim that Noah's flood created geological structures such as the Grand Canyon, and wrongly assert that evolution violates the second law of thermodynamics.

Officially, ID endorses none of these positions, and its proponents tend to shy away from espousing biblically literalist views in their publications. None of this, however, rescues ID from the broader "creationist" label. Philosopher of science Robert T. Penrock defines creationism as "the rejection of evolution in favor of supernatural design." ID clearly fits this description, even if we must now distinguish between "intelligent-design creationism" and the other species that have cropped up in the United States, such as "young Earth" creationism and "creation science."

In fact, the peculiar characteristics of the ID movement are a direct response to the tactical and legal failings of earlier creationists, and its advocates have even outlined First Amendment legal strategies to justify their approach. They have done so precisely because creation science, as a legal strategy, proved a dramatic failure: In the 1987 case *Edwards v. Aguillard*, seven out of nine Supreme Court justices ruled that a Louisiana law requiring the teaching of creation science as a counterpoint to evolution violated the First Amendment by promoting religion. Instrumental in the case was a statement from the real scientific community. Seventy-two Nobel laureates signed an amicus brief favoring the overturning of Louisiana's law, arguing that "teaching religious ideas mislabeled as science is detrimental to scientific education."

Following the *Aguillard* defeat, the Institute for Creation Research (ICR) prepared an intriguing evaluation of what the movement should try next. Among other points, the ICR noted that "school boards and teachers should be strongly encouraged at least to stress the scientific evidences and arguments *against evolution* in their classes ... even if they don't wish to recognize these as evidences and arguments *for creationism*." As Glenn Branch of the anti-ID National Center for Science Education has observed, this comment shows that the Discovery Institute's favored "teach the controversy" strategy was "pioneered in the wake of *Edwards v. Aguillard*."

Clearly ID proponents follow in the footsteps of their creation-science forebears, especially when it comes to conveying the impression that they are doing science instead of trying to advance

religious and moral goals. Yet the express strategic objectives of the Discovery Institute; the writings, careers, and affiliations of ID's leading proponents; and the movement's funding sources all betray a clear moral and religious agenda.

The most eloquent documentation of ID's religious inspiration comes in the form of a Discovery Institute strategic memo that made its way onto the Web in 1999: the "Wedge Document." A broad attack on "scientific materialism," the paper asserts that modern science has had "devastating" cultural consequences, such as the denial of objective moral standards and the undermining of religious belief. In contrast, the document states that ID "promises to reverse the stifling dominance of the materialist worldview, and to replace it with a science consonant with Christian and theistic convictions." In order to achieve this objective, the ID movement will "function as a 'wedge' that will 'split the trunk [of scientific materialism] ... at its weakest points.'"

The Wedge Document puts ID proponents in an uncomfortable position. Discovery Institute representatives balk at being judged on religious grounds and accuse those who probe their motivations of engaging in ad hominem attacks. Yet given the express language of the Wedge Document, it's hard to see why we

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***Discovery's ultimate agenda has far more to do with the renewal of religiously based culture than with the disinterested pursuit of knowledge.***

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shouldn't take them at their own word. Discovery's ultimate agenda—the Wedge—clearly has far more to do with the renewal of religiously based culture by the overthrow of key tenets of modern science than with the disinterested pursuit of knowledge.

And in case the Wedge Document doesn't speak eloquently enough, leading proponents of ID, too, give explicitly religious reasons for their "scientific" advocacy. The ID movement's central strategist and popularizer, University of California, Berkeley emeritus law professor and *Darwin on Trial* author Phillip Johnson, turned to Jesus "at the advanced age of 38" and went on to publish several books critical of evolution. Leading ID proponent Jonathan Wells, author of *Icons of Evolution: Science or Myth?*, is a follower of Unification Church leader Sun Myung-Moon. He has written that Moon's teachings, as well as his own studies and prayers, "convinced me that I should devote my life to destroying Darwinism, just as many of my fellow Unificationists had already devoted their lives to destroying Marxism."

And that's just the beginning. William Dembski, another of ID's leading proponents who is armed with doctorates in philosophy and mathematics, recently left Baylor University to head the Southern Baptist Theological Seminary's newly established Center for Science and Theology. Commenting on his appointment to Baptist Press, a Southern Baptist national news service, Dembski welcomed the opportunity "to mobilize a new generation of scholars and pastors not just to equip the saints but also to engage the culture and reclaim it for Christ. That's

really what is driving me.” And then there’s Stephen C. Meyer, a Cambridge history and philosophy of science Ph.D. and anti-abortion Christian. Meyer has been described as “the person who brought ID to DI” by historian Edward Larson (who was a fellow at the Discovery Institute prior to its anti-evolutionist awakening). Seeking to institutionalize the ID movement, Meyer turned to timber-industry magnate C. Davis Weyerhaeuser, who was until his death a major funder of Christian evangelism in the United States through his Stewardship Foundation. According to Larson, Weyerhaeuser provided key “seed money” to establish the Discovery Institute’s ID program.

The Stewardship Foundation (which has generally funded mainstream, moderate evangelical activities) is not the only Discovery funder that betrays its religious-right agenda. Howard F. Ahmanson Jr., an Orange County tycoon who has contributed millions to religious-right candidates and causes, has heavily supported the group and sits on Discovery’s board of directors. Other funders include the Tennessee-based Maclellan Foundation, which describes itself as “committed to the infallibility of Scripture, to Jesus Christ as Lord and Savior, and to the fulfillment of the Great Commission.”

**D**ESPITE FAILED ATTEMPTS TO WIN SCIENTIFIC BACKING for ID, this new blossoming of anti-evolutionism has found dramatic support both on the religious right and among its political allies. ID critic Barbara Forrest has noted that virtually all of the leading organizations on the Christian right have embraced or at least shown sympathy for ID, including James Dobson’s Focus on the Family, Phyllis Schlafly’s Eagle Forum, the Concerned Women for America, D. James Kennedy’s Coral Ridge Ministries, the American Family Association, and the Alliance Defense Fund (a Christian legal group).

ID proponents have also teamed up with conservative Republican legislators to further advance their agenda. ID’s most significant supporter has been Pennsylvania Senator Rick Santorum. In 2001, Santorum teamed up with ID supporters to slip “teach the controversy” language into the No Child Left Behind Act. Singling out evolution in particular, Santorum’s amendment to the Senate version of the bill stated that “good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science.” This may sound innocuous enough, but when you learn that the language comes in part from ID movement progenitor Phillip Johnson, who believes that “Darwinism is based on an a priori commitment to materialism, not on a philosophically neutral assessment of the evidence,” you see where Santorum is headed.

The Discovery Institute heralded the Santorum amendment, claiming that “the Darwinian monopoly on public science education ... is ending.” Santorum himself defended ID in an op-ed article in the conservative *Washington Times*, calling it a “legitimate scientific theory that should be taught in science classes.” The Santorum amendment ultimately did not make its way into the actual No Child Left Behind Act, but language in a non-binding conference report stressed that “where topics are taught that may generate controversy (such as biological evolution),

the curriculum should help students to understand the full range of scientific views that exist.” Discovery Institute representatives have used this language to claim that the U.S. Congress has endorsed the teaching of ID.

Meanwhile, President George W. Bush recently gave an endorsement to ID, commenting, “I think that part of education is to expose people to different schools of thought.” This despite the fact that Bush science adviser John Marburger has explicitly stated that intelligent design is not science.

But federal support may not be the most important factor: All of the anti-evolutionist action today is happening at the state and local level. According to the National Center for Science Education (NCSE), between 2001 and 2004, 43 states saw some kind of anti-evolution activity within their borders. Much of this activity has been inspired by young-Earth creationists, who remain highly motivated and active. But the strategies advanced by the Discovery Institute have increasingly taken precedence. Meanwhile, Republican state political parties have also embraced anti-evolutionism: A survey by the NCSE found seven state parties with explicitly anti-evolution platforms or public statements.

Which brings us back to Discovery Institute President Bruce Chapman, the former Republican liberal who veered right and went on to found a think tank that would almost single-handedly lead a war against one of the most robust theories in the history of science: the theory of evolution. On the one hand, Chapman’s career suggests a stunning intellectual contradiction. Yet when viewed in a broader historical context, his personal evolution seems quite consistent with trends in the development of the modern right and its strained relationship with science—a tension that has been on dramatic display throughout the Bush presidency, which has seen an unprecedented fight over the political abuse of science in government.

To be sure, the ID movement does not claim an animus against science. Science abusers never do. Rather, the movement seeks to redefine the very nature of science to serve its objectives.

But just like creation scientists of yore, ID hawkers have clear and ever-present religious motivations for denying and attacking evolution. And like creationists of yore, they have failed the only test that matters: They simply are not doing credible science. Instead, they are appropriating scientific-sounding arguments to advance a moral and political agenda, one they hope to force into the public-school system.

That is where the true threat emerges. ID theorists and other creationists don’t like what the overwhelming body of science has to tell us about where human beings come from. Their recourse? Trying to interfere with the process by which children are supposed to learn about the best scientific (as opposed to religious) answer that we have to this most fundamental of questions. No matter how many conservative Christian scholars Chapman and the Discovery Institute manage to get on their side, such interference represents the epitome of anti-intellectualism. **TAP**

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*Chris Mooney is a Prospect senior correspondent and the Washington correspondent for Seed Magazine. This article is adapted from his new book, The Republican War on Science (www.waronscience.com), just published by Basic Books.*



# Culture & Books

*"Picketers greeted Blackmun the next day in Cedar Rapids, Iowa. As Greenhouse notes, 'the rest of Blackmun's life had begun.'"*

—PAGE 38



But They Hardly Know Each Other: Karl Rove and Robert Novak in June 2003

## MEDIA

### WHO GIVES A FLYING FLAG?

*The smearing of Joe Wilson, the excuses for Karl Rove: For the pundits of the right, national security is just a bumper sticker.*

BY TODD GITLIN

LOOKING AT THE REACTIONS OF THE right-wingers to *l'affaire* Novak-Rove-Wilson-Plame, you'd have to conclude that, for them, national security is a sometime thing—a talking point or a symbolic flourish, but not a real-world imperative involving actual lives, dangers, and government workings. The smears and (to be generous) fat, sloppy errors directed against former Ambassador Joseph Wilson pour forth as thick and fast as finger paint. The anticipatory excuses for Karl Rove—who, if he did not commit actual crimes, may have at the least leaked classified information about Wilson's CIA-agent wife en route to the

smears against Wilson—pour forth just as thick, just as fast. When there's White House discipline to be maintained, who gives a flying flag about national security?

Consider David Brooks, whom many persist (but why?) in thinking must know better. Brooks has echoed the White House line, persisting in the falsehood that Wilson credits Vice President Dick Cheney with sending the former ambassador to Niger. Here's Brooks on NPR's "All Things Considered" (July 14): "Joe Wilson was going around saying that the vice president sent him to Iraq, which turns out to be untrue." Ten days later, Brooks echoed himself on Chris Mat-

thews' *Hardball*, where Matthews repeated the same line, specifically citing Wilson's appearance on *Meet the Press* on July 6, 2003. But here is what Wilson said on that occasion: "The question [about whether Iraq was shopping for Nigerian uranium] was asked of the CIA by the office of the vice president." Here is what he wrote in his famous op-ed piece of the same date: "In February 2002, I was informed by officials at the Central Intelligence Agency that Vice President Dick Cheney's office had questions about a particular intelligence report ... that documented the sale of uranium yellowcake ... by Niger to Iraq in the late 1990s. The agency officials asked if I would travel to Niger to check out the story so they could provide a response to the vice president's office." Why does Brooks believe different? (Brooks failed to reply to my e-mail asking him to make sense of this discrepancy.)

PAGE THROUGH WALL STREET JOURNAL editorials or *The Washington Times*, scroll through the *National Review Online*, scan FOX News, Rush Limbaugh, and the rest of the wing-o-sphere and you'll find a cornucopia of fractionally baked and downright raw accusations against Wilson. "A fraud," huffed the *Journal's* editorialists, citing Republican apparatchik Pat Roberts' Senate Intelligence Committee's tendentious cleanup job for the White House. Limbaugh wins the prize for extravagance, referring to "this [CIA] plot to bring down the president."

One of the right's loudest talking points (see Brooks, above) has been that Wilson claimed to have been sent to Niger in 2002 by the CIA at the behest of Cheney's office. Interesting, then, that two years ago, just after Wilson's op-ed piece appeared in *The New York Times*, *The Washington Times's* own Bill Sam-

mon wrote, "Although he opposed the war against Iraq and helped shape former President Bill Clinton's Africa policy, Mr. Wilson was nonetheless *asked by the Bush administration's CIA* in February 2002 to check out reports that Iraq tried to buy uranium from Niger" (italics added for emphasis). Two years and five days later, Sammon had gotten his line straight for a FOX News appearance. "Was it wrong for Rove to correct *the impression that Cheney had sent Joe Wilson to Africa?*" he asked (again, italics added). "Because, remember, that's what the original allegation was, that Cheney had sent him."

The Plastic Man Prize for the longest stretch—also the most laughable, abstruse historical reference—goes to *U.S. News & World Report's* Michael Barone, who in a syndicated column wrote that "Joseph Wilson is our latest Titus Oates,"

***Far from a rogue leaker, Rove was a "whistle-blower," said The Wall Street Journal, claiming that Rove only echoed what reporters told him.***

who in 1678–79 "accused various English Catholics of a 'popish plot' to assassinate King Charles II."

Far from a rogue leaker, Rove was a "whistle-blower," said the *Journal*, leaping into the breach to claim that Rove only echoed what reporters told him. Valerie Plame could not possibly have been injured because she held a "desk job" at the CIA; the term shows up repeatedly from, among others, FOX's Fred Barnes, House Majority Whip Roy Blunt, Ben Stein on *CBS Sunday Morning*, and Republican lawyer and former Reagan administration Justice Department official Victoria Toensing (frequently interviewed as having helped draft the 1982 law against identifying covert agents, though her Republican affiliation goes mainly unmentioned). You see, real spies work on laptops only after changing costumes in phone booths.

Stranger and stranger. FOX News and the *National Review Online's* Andrew McCarthy cited a Bill Gertz report in *The Washington Times* to argue that Plame's cover could not have blown by the ad-

ministration leakers of July 2003 because it already had been, in the mid-1990s and afterward, by—ready?—Soviet and Cuban spies. If so, wouldn't it take a security clearance to know? In other words, isn't the echo chamber leaking still more secrets to belittle the significance of the 2003 leaks?

Excuses, excuses: The dog couldn't have eaten the homework because it wasn't homework, it was an extra-credit assignment, and anyway, the dog has no teeth, and anyway, there was a whole pack of dogs, and anyway, the homework was no good.

**T**O ITS CREDIT, FOX NEWS DID RUN one trenchant rebuttal to the Republican talking points, online on July 17: "Valerie was an undercover officer ... the reality is, Valerie has no cover anymore,"

said [former CIA agent Melissa Boyle] Mahle, the author of *Denial and Deception*. "When you're an undercover officer, you nurture that undercover" status and the contacts you make during the job, she added. "It's not so important what she was doing that moment in time because your career is linked by all of your activities and if you were exposed by [sic] being a CIA officer, bad guys are going to start looking at what you were doing before and backtracking."

Mahle said it isn't possible, given the rigid chain of command in the CIA, that Plame—and not someone within the Bush administration—was actually the one who sent Wilson to Niger. "You don't send somebody overseas as an officer," she said. "... We have a chain of command ... Those kind of decisions go up your chain, so Valerie wasn't in the position of making that decision."

All the while, respectable conservatives observed an eerie silence about the leaking of a CIA agent's identity, suddenly short of indignation that *anyone in the government, on any pretext, whether*

*knowledgeably or negligently*, might have exposed a spy or, indeed, a whole network of spies. Charles Krauthammer, who chortled one year ago at the spectacle of Sandy Berger stuffing his pockets with classified documents, has gone missing over the question of whether Rove or anyone else in the White House *might* have leaked. So, too, George Will—who did, however, opine last December that *Time* magazine should have named Karl Rove its "Man of the Year." To his credit, William Kristol on FOX News refused to second-guess special prosecutor Fitzgerald: Wait and see, he counseled. But I can find no one on the right displaying the tiniest interest in how a forged memo alleging Saddam Hussein's yellowcake purchases in Niger got into circulation in the first place. Cats got their tongues? Or follow-the-leader loyalty?

As former Minister of Virtue—sorry, Education—William Bennett used to ask, "Where's the outrage?" Where, for that matter, is the curiosity?

Oh, and speaking of Bennett, he has been heard from on the subject of whether Rove leaked about Plame and her CIA career. On FOX's *Hannity and Colmes* (July 18), Alan Colmes reminded him that he criticized the Clinton administration's "wordplay" but not Rove's nickel-and-diming when the deputy chief of staff claimed not to have uttered Plame's name. Bennett replied, "Yes, well, why don't we wait until this has concluded, as we saw in the Clinton administration?"

Surely one of the more staggering statements that can be made about pundits of Bennett's persuasion is that before consigning Bill Clinton to hellfire and damnation during the entire year of 1998–99, they waited until any proceeding anywhere had concluded. *Cherchez les Clinton!* Bennett, you may recall, once wrote a book called *The Death of Outrage*, but that was when the burning moral issue of the day was Bill Clinton's blowjobs.

Could it be that for some of our right-wing friends national security is a bumper sticker, not an imperative?

Here is what James Marcinkowski, a former CIA case officer, said about the



“unprecedented” Wilson/Plame leaks on July 22 to an informal hearing of Democrats on the Hill (informal because the Republicans who run all the committees of Congress have showed zero interest in investigating):

Each time the political machine made up of prime-time patriots and partisan ninnies display their ignorance by deriding Valerie Plame as a mere “paper-pusher,” or belittling the varying degrees of cover used to protect our officers, or continuing to play partisan politics with our national security, it is a disservice to this country ... Before you shine up your American flag lapel pin and affix your patriotism to your sleeve, think about ... the impact your

actions will have on the security of the American people ...

The people who defend us are flesh, blood, and brain. Is keeping them out of harm’s way any more than a bullying slogan? Why do none dare check out treason? **TAP**

*Todd Gitlin’s latest book, The Intellectuals and the Flag, will be available in November from Columbia University Press. Thanks to Asheesh Kapur Siddique for research, and to an anonymous blogger at TPMcafe.com for making the point about the illicit sources of The Washington Times’ claim about Soviet and Cuban spies.*

## BOOKS

# THE COLLAPSE

**NIGHT DRAWS NEAR: IRAQ’S PEOPLE IN THE SHADOW OF AMERICA’S WAR**

BY ANTHONY SHADID Henry Holt & Co., 448 pages, \$26.00

BY SPENCER ACKERMAN

**T**HE RELENTLESS CARNAGE AND rising illiberalism of Iraq are inducing shellshock in the advocates of the war. Among conservatives, the palpable despair has prompted dead-enders at *The Wall Street Journal* to bitterly denounce unspecified apostates for “self-doubt, self-flagellation, excessive fine-tuning, and political cravenness.” Nearly every prominent liberal who cheered the March 2003 invasion has either renounced the war or deferred renunciation in the hope that a miracle awaits. And practically every American who at one time approved of the war wonders how things could have gone so wrong. How did the children who, in some cases, excitedly greeted U.S. troops become the cheering crowds in Fallujah who zealously lynched four American contractors? Some pro-war polemicists cling to those comforting early images like a security blanket. “I saw it myself,” Christopher Hitchens recently testified on *Slate*, referring to early Iraqi enthusiasm for the invasion, “and

will not be told that I did not see it.”

There is no question that the Iraqi people suffered under one of the vilest dictators of the 20th century and longed for liberation. But a foreign power that, largely through ignorance, disrespects Arab pride, tribal custom, Iraqi nationalism, and Islamic sensibility has not been able to fulfill its promises of freedom and security. How the Iraqis themselves have experienced a war supposedly waged in their name is the missing piece of the story that Americans, especially those who continue to support the war, need to understand. There has been no shortage of recent books examining failings of the U.S. occupation, such as ex-Coalition Provisional Authority adviser Larry Diamond’s captivating memoir *Squandered Victory*. But even these efforts have centered on American decisions and American missteps, leaving the Iraqi people as the afterthought or abstraction that they remain in the White House Situation Room.

Anthony Shadid’s *Night Draws Near*,

unlike everything that has come before it, explains Iraqis to their distant American occupiers. Shadid, an Arabic-speaking reporter for *The Washington Post*, has been an invaluable guide for anyone attempting to comprehend Iraq, providing a level of detail, context, and understanding that has escaped all but his ablest colleagues. In his telling—emotionally resonant and always deeply perceptive—the complex path Iraqis followed from cautious optimism to frustration to insurgency becomes clear for the first time. Through the eyes of the Iraqis, Shadid offers a wealth of insight into phenomena Americans must contend with as long as we occupy Iraq: the fury of offended Iraqi patriotism, the resurgence of religion among the toppled Sunnis, the besiegement of the Iraqi citizen, and the meaning of the new Shia politics that the United States has ushered to power. He has achieved nothing short of authoring the first classic, indispensable account of the Iraq War.

The genius of Shadid’s book lies in its almost casual ability to address crucial questions that readers hadn’t previously realized were going unanswered. What, for example, do Iraqis even call the war that President Bush dubbed Operation Iraqi Freedom? In Iraq, the war is the *sugut*—a mournful term translating to “the collapse” or “the fall” but suggesting, as Shadid hauntingly explains, “an end without renewal, a seemingly endless interim.” Such insight allows the author to demonstrate methodically that the basic problem with the occupation of Iraq is no more complicated than the fact that Iraq is, well, occupied. When, on May 22, 2003, the United Nations Security Council formally used the word “occupation”—*ihtilal* in Arabic—it hit Baghdad like a cataclysm. To Arab ears, the term unavoidably refers to Israel’s occupations of Palestinian and Lebanese territory, “hulking Caterpillar bulldozers demolishing homes of stone and concrete in the squalor of Gaza; American-built Apache helicopters hovering over West Bank villages along rocky, terraced Palestinian hills; imposing Merkava tanks crashing across refugee camps as haunted faces in black-checked kaiffyehs watch them pass.”

As a result, the occupation acts as an intangible instrument of corruption, pushing Iraqis into behavior that to a foreigner appears deeply pathological. Among the chief grievances after the fall of Saddam Hussein is the rampant instability that led to an explosion of violent crime. Yet when Iraqis begin police patrols, they encounter hostility from a public furious at them for collaborating with the Americans. The police themselves, trained and overseen by the United States, struggle with an ambivalence that suggests that even performing a crucial public service for their fellow citizens is a betrayal. After the Sunni city of Khaldiya undergoes a riot that includes the burning of a police chief's pickup truck in August 2003, a

regime elements" and the jihadists fighting under Abu Musab al-Zarqawi's banner, his assessment is somewhat distorted. But the force of Shadid's reporting in Sunni areas leaves no doubt about the intensity of anti-American sentiment. Almost wherever U.S. troops capture or kill insurgents, they leave behind entire families and tribes ready to die for violent revenge or to support others who will. The occupation ensures a receptive audience for the bilious message of extremist clerics, and Shadid vividly relates the stories of two Sunnis who matter-of-factly give up their lives to fight U.S. forces in hopeless battles. Both are venerated as martyrs by local imams and their entire communities. It is hard to resist the awful conclusion that they intended their

Additionally, many believe that al-Sadr and al-Sistani have categorically different aims, with al-Sadr and his movement "not show[ing] any appreciation for the more moderate politics" of al-Sistani, in the words of Reuel Marc Gerecht, the most thoughtful neoconservative observer of Iraqi politics and religion. Gerecht, who believes that al-Sistani's embrace of democracy is "revolutionary," concludes that "the course of Shiite history is now on Sistani's (not Sadr's) side."

Shadid challenges every aspect of this story. He writes that the two clerics "never disagreed, in a fundamental way," on either religious questions or on a prominent political role for the clergy. (Al-Sistani pushed for a leading role for Islam in the Iraqi constitution, and al-Sadr's forces organized local elections, often to the chagrin of the Coalition Provisional Authority.) Their not-inconsiderable differences concern al-Sadr's willingness to embrace violence and al-Sistani's greater comfort with the occupation. Al-Sadr powerfully portrays the United States and Hussein as twin oppressors—ostentatiously contrasting his father's 1999 assassination with al-Sistani's quietism—whom the "traditional *Hawza*" (read: al-Sistani) will never challenge. Shadid insightfully notes that while the Shia, al-Sadr included, pay their due respect to al-Sistani as supreme religious authority, they call out for "Muqtada," suggesting the latter's political charisma. Their influence is potently felt in Jafari's recent statements urging an expeditious U.S. withdrawal.

Shadid's book is not a jeremiad. But it does make clear that the longer the United States occupies Iraq, the greater is the chance that the Sunnis will transfer their hatred to the occupation's perceived Shia and Kurdish beneficiaries, leading to even greater bloodshed. *Night Draws Near* will not resolve the debate over whether the Iraq War was destined to fail. At times, Shadid suggests potential mitigating factors: if only U.S. troops had immediately provided public security, if only a massive aid package had arrived, etc. But, as Iraqis tell him, Arabs are taught from birth that the suffering of the Palestini-

***Shadid's book should end the argument about who the insurgents are: The overwhelming majority of Sunnis supporting the insurgency do so mainly because they resent the U.S. occupation.***

lieutenant remarks, "In my heart, deep inside, we are with them against the occupation." Another tells Shadid that "God willing," the insurgency will succeed in driving the United States out. These, of course, are the men charged by the United States with defeating the insurgents—the very centerpiece of the administration's war strategy.

And it's the occupation that breeds the insurgency. From the beginning of the war, the administration has insisted that the insurgents are the remnants of Hussein's extended clique, assisted by foreign jihadists infiltrating into Iraq. The insurgency no doubt contains these elements. But Shadid's book should end the argument about who the insurgents truly are: The overwhelming majority of Sunnis fighting for and sympathizing with the insurgency against the U.S.-brokered, Shia-and-Kurdish-dominated political process do so mainly because they resent the U.S. occupation and what they perceive as America's Iraqi allies.

It could be fairly objected that because Shadid is unable to interview "former

deaths to serve as redemption for their families' humiliated nationalist and religious sensibilities.

But the most valuable sections of *Night Draws Near* concern not the Sunnis but the Shia. After the Shia religious authority, headed by the Grand Ayatollah Ali al-Sistani, forced the Bush administration to acquiesce to direct elections (which favor the majority Shia), practically every step in the political process has benefited al-Sistani's flock. Yet the substance and the players of Shia politics have remained obscure, and Shadid for the first time demystifies them. For the author, the decisive actor in Shia politics is not al-Sistani, the senior cleric with whom the Americans have come to a *modus vivendi*, nor the current al-Sistani-aligned prime minister, Ibrahim Jafari, but Muqtada al-Sadr, the firebrand theocrat who twice led armed uprisings against the United States.

In Washington and Baghdad's "Green Zone," the conventional view is that al-Sadr has been crushed between the pinners of U.S. firepower and Shia politics.



ans is the ultimate responsibility of the United States, Israel's patron, meaning that the United States has had very little margin for the errors that are inevitable in occupations. Shadid's ultimate lesson about the folly of the war lies in a question one Iraqi posed to him: "How could

they understand Iraq? It's impossible." Only without Anthony Shadid, who has secured his place in history as the chronicler of the *suqut*. **TAP**

*Spencer Ackerman is an associate editor at The New Republic.*

## BOOKS

# ALWAYS POLITICAL

**ADVICE AND CONSENT: THE POLITICS OF JUDICIAL APPOINTMENTS**

BY LEE EPSTEIN AND JEFFREY A. SEGAL Oxford University Press, 192 pages, \$23.00

BY SAM ROSENFELD

**W**HEN JOHN ROBERTS TESTIFIED before the Senate in 2003 on his nomination to a federal appellate court, he described a process that had been used to vet judicial candidates while he served in the Reagan White House. The president's team, according to Roberts, would pose hypothetical situations in which "the legal answer was A, but what this candidate might think we would regard as the politically more appealing result was B. And if that candidate said B, that would raise concerns with us because we think somebody wouldn't follow the law, but would instead follow politics." Senator Patrick Leahy, ranking Democrat on the Judiciary Committee, was duly impressed.

The exchange nicely captured one of the abiding myths that distort the current debate about judicial appointments. Supposedly, if only judges will leave politics aside, they can use chaste legal reasoning to find a "correct" constitutional answer to any controversial question. The myth of an apolitical judicial method underlies much of the hand-wringing about how politicized the confirmation process for federal judges has become, as well as the inevitable opportunistic calls by the president's supporters for limiting the scope of questions that a nominee may be asked to address.

For example, in response to a question from FOX's Brit Hume, Senator John Cornyn, a point man in promoting Roberts' Supreme Court nomination, recently declared that it would be inappropriate

at the confirmation hearings to ask Roberts about ideology. "It would, I think, in essence, ask him to run on a political platform," Cornyn said. "And we're not talking about politicians. We're talking about a judge."

Such Kabuki-like insistence that politics stay out of the confirmation process tends to have a perverse effect on the debate, encouraging games of gotcha politics in lieu of open and serious discussion about the public stakes involved. Not only does the pretense of an apolitical process deny the public a debate on the real issues; it's also completely out of line with the historical pattern. As political scientists Lee Epstein and Jeffrey Segal show in their new and timely book, *Advice and Consent*, the modern era of politicized nomination battles is nothing new: Politics has suffused the judicial appointment process for 200 years.

Writing in pristine, jargon-free language, Epstein and Segal use historical illustrations and the latest quantitative methods to inject some much-needed context and evidence into the current debate about judicial appointments. The book covers Supreme Court nominations and those for the lower federal courts, systematically analyzing the effect of political considerations on the timing of vacancies, the selection of nominees, the confirmation process in the Senate, and the long-term ideological balance of the courts.

Of course, it's no shock to any serious observer that politics shapes judicial ap-

pointments, but the extent and scope of the politicization may be surprising. From 1869 to 2004, 92.5 percent of all appointments to the lower federal courts went to candidates affiliated with the president's party. Politics have even shaped the size of the appellate courts and the timing of vacancies: Epstein and Segal cite quantitative data on 20th-century judicial retirements demonstrating a significant boost in the likelihood of a voluntary appellate departure during years when the judge shares a party affiliation with the president. Moreover, 86.5 percent of all congressionally authorized expansions of the appellate bench have occurred when the same political party controlled both the legislative and executive branches. Such correlations belie the notion that the judiciary has traditionally operated apart from the partisan and ideological interests of the other branches.

Indeed, the authors stress that the influence of ideology on the appointment process is not a recent development—neither a product of the politically charged activism associated with the Warren Court nor of the heated battle over Robert Bork's nomination in 1987, to cite two arguments often proffered by conservatives. ("When the Court is perceived as a political rather than a legal institution," Bork himself wrote in 1991, his scars still fresh, "nominees will be treated like political candidates.") Thomas Jefferson's concerted efforts to rid the courts of the Federalist tint left by his predecessors should have been enough to discredit the image of an apolitical judicial Eden from which we supposedly fell.

As politics has always suffused the making of judicial appointments, contentiousness has usually characterized the Senate's approach to its role in giving "advice and consent." A recurring lament of presidents and their allies, heard most recently during the show-down over judicial filibusters, is that the Senate usurps the executive's constitutional authority if it blocks his nominees. But, as Epstein and Segal argue, the Senate's rejection of one of George Washington's Supreme Court nominees in 1795 indicates that "the founders never intended for the Senate to serve

merely as a rubber stamp.” During the past two centuries, the Senate has failed to confirm 27 of the 147 nominees to the Supreme Court—a much higher rejection rate than for cabinet nominees.

Has anything qualitatively significant changed in recent decades? Epstein and Segal acknowledge that intensified media coverage and (to a limited extent) the institutional aftershocks of the Bork battle have brought ideological considerations slightly closer to the fore in judicial fights and made the appellate appointment process moderately more contentious than it had been at mid-century. But doomsday claims about the impending breakdown of the system have little grounding. The filibuster fracas notwithstanding, the Senate still approved nearly two-thirds of George W.

Bush’s appellate nominees during his first term. And despite initial predictions of political Armageddon from all sides, John Roberts’ professional qualifications appear to be sufficient to ensure his confirmation this fall.

If it turns out that the Democrats fail to mount an organized effort to block Roberts’ nomination, they can still use the confirmation hearings as a platform for articulating clear positions on important issues so as to draw stark contrasts with the Republicans and set the context for future electoral campaigns. Such an endeavor demands a free and open discussion of the public stakes involved in critical areas of the law. Epstein and Segal’s important work shows beyond all doubt the legitimacy of such a discussion. **TAP**

a rare opportunity for intellectual candor and honesty in a public position—just as the Framers intended. After the lame-duck John Adams named John Marshall chief justice in 1801, the newly elected Thomas Jefferson complained that the Federalists had retreated to the judiciary to batter down the works of republicanism. He vowed to name his own ideological soul mates. Jefferson had three appointees, but all proved ideologically compatible with Marshall. President Theodore Roosevelt named Oliver Wendell Holmes in 1902, and the next year Holmes dissented in Roosevelt’s first trust-busting case. Franklin Delano Roosevelt had nine appointees, and yet the Court found itself divided by often acrimonious discord and dissension. Dwight Eisenhower lamented that choosing Earl Warren was his worst decision. Like so many others, Blackmun will be remembered as a judge appointed in a president’s own image, but through the years he used his independence and intellect to evolve in wholly unanticipated ways.

Nominees today are vetted with everything but a saliva test. Unlike in the past, it has become virtually axiomatic that Supreme Court nominees have previous judicial experience, as if their earlier positions were audition camps. The number of unanticipated surprises is likely to diminish. Appellate judges, with their independence, establish track records less likely to be altered when they enter the “marble palace.”

Following the Senate’s rejection of his first two choices for the Court in 1970, Richard Nixon trumpeted Blackmun as a judge with a “strict construction” philosophy. Strict construction has been code language for reactionary objectives from its first appearance with Jefferson’s abortive attempt to prevent the establishment of a central bank in 1792, through the convolutions of southern apologists for slavery and segregation, down to the present. In practice, the Court has to give a broad construction to the Framers’ language to ensure a “living Constitution.”

Ironically, Nixon had condemned strict construction in 1962, blaming it for the Court’s enforcement of the anti-establishment clause of the First Amend-

## BOOKS

# THE CONSERVATIVE AS LIBERAL

**BECOMING JUSTICE BLACKMUN: HARRY BLACKMUN’S SUPREME COURT JOURNEY** BY LINDA GREENHOUSE Times Books, 258 pages, \$25.00

BY STANLEY I. KUTLER

**T**HE DAY THAT FORMER PRESIDENT Lyndon Johnson died, January 22, 1973, Justice Harry Blackmun announced the Supreme Court’s 7-to-2 decision in *Roe v. Wade*, legalizing abortion throughout the nation. The media led with Johnson’s passing, while Blackmun, in his diary, noted “abortion flak,” including protests from three cardinals and the Vatican. Pickets and police protection greeted him the next day in Cedar Rapids, Iowa. As Linda Greenhouse notes in her perceptive portrayal of Blackmun’s career, “the rest of Harry Blackmun’s life had begun”—as did our abortion wars.

Supreme Court opinions are collaborative in nature (7 to 2 is an impressive consensus), but as Blackmun’s once-comfortable majority dwindled, he increasingly personified the ruling. Militant opponents inundated him with tens of thousands of letters denouncing him as a baby-killer. He confided to a Catholic priest and longtime friend, “It is hard to believe that some clergymen and sisters

can indulge in such abuse and still profess to be workers in the vineyard.”

Blackmun left a prodigious amount of documentary material, and Greenhouse has used it with rare intelligence. She excavates a flesh-and-blood character from Blackmun’s published opinions, a lengthy oral interview, case files, correspondence, and fragmentary notes that amply reveal his personality and the workings of his mind. Greenhouse offers us a nuanced account of the impact of *Roe v. Wade* within the Court and a clear understanding of Blackmun’s long journey to the rejection of the death penalty. The papers also provide a probing revelation of the half-century relationship between Blackmun and Chief Justice Warren Burger, its deterioration, and its significance—for both the men and the Court they served.

Supreme Court justices have often disappointed their patrons. The judiciary’s extraordinary independence, providing insulation from political reprisal, affords

ment in a New York school-prayer case. But seven years later, our serial political opportunist—now anxious to appeal to Americans alienated by judicial rulings on racial equality, church-state separation, and the rights of the accused—revived strict construction.

Blackmun's record as an appellate judge proved quite solid, albeit somewhat pedestrian, and his Senate hearing lasted less than four hours, during which he assured the Judiciary Committee that he would not hesitate to disagree with his boyhood friend, now Chief Justice Burger. There were no hostile witnesses, and the Senate unanimously confirmed him, 94 to 0. Blackmun was 61. His mother warned him that his relationship with Burger would inevitably change. Mothers know best.

Then-Assistant Attorney General William Rehnquist had ably and perceptively reviewed Blackmun's judicial record. "He does not uniformly come out on one side or the other, though his tendencies are certainly more in the conservative direction than in the liberal," Rehnquist wrote. "His opinions are all carefully reasoned, and give no indication of a preconceived bias in one direction or the other."

When Nixon's press secretary described Blackmun as a strict constructionist, the judge responded that he did not work according to labels but "tried to call them as I see them." Undoubtedly he saw himself as an advocate of "judicial restraint," a term flexible enough to accommodate a broad array of justices across the political and legal spectrum, from Hugo Black to Black's great antagonist, Felix Frankfurter. It used to be axiomatic that justices defied easy pigeonholing. *The Washington Post* presciently commented that Blackmun's "opinions and reputation indicate that he is a conservative with an independent mind and sensitivity to new ideas."

Blackmun ended his career in 1994, lauded and vilified as the most "liberal" of the justices, but its beginnings certainly did not point in that direction. His earliest opinions were undramatic and workmanlike; most notably, he sided with the government in the Pentagon Papers case, and appeared very

much as Burger's close ally.

When Burger became chief justice in 1969, Blackmun told him, "[M]y support is yours for the asking at all times." He told FBI agents investigating Burger's background, "[D]on't assume that his attitude will be the opposite of Mr. Warren's." He insisted that Burger's politics had been "in the liberal tradition and not in the conservative tradition. His era will not be a status quo one. He will incur criticism and opposition not unlike that of Chief Justice Warren but of a different kind." Maybe the source of the rift was that Blackmun discovered he really did not know his old friend.



Some Clothes Do Make the Man: Harry Blackmun, with his wife, after taking the oath.

Greenhouse understands that ideology alone does not explain their eventual estrangement. Blackmun and Rehnquist always maintained cordial relations, as Blackmun did with every other justice. As for Burger, Blackmun wrote, "I do not know what he expected, but surely he could not have anticipated that I would be an ideological clone." After several years, Blackmun no longer viewed the chief justice as his boyhood friend, but instead found himself at odds with a vain, petty, and embittered colleague. Substantial professional differences certainly made the rift more than personal: Burger's shadowy role attempting to avoid a direct confrontation with the president in *U.S. v. Nixon*; disagreements about affirmative action; and, most important, Burger's steady retreat from *Roe*.

Blackmun voted with Burger in nearly

88 percent of closely divided cases in the first five years, but in the next five, he joined with the more liberal William Brennan nearly 55 percent of the time, while his agreement with Burger fell to almost 46 percent. In the next five years, the figures shifted to nearly 70 percent with Brennan and only 32 percent with Burger. From 1986–90, his votes with Brennan and Thurgood Marshall increased to more than 95 percent. And thus the journey for the "protégé" of Nixon and Burger—an unanticipated journey, by any measure.

Blackmun surrounded himself with able law clerks, many of whom prodded

him to new paths, and he confronted strong, opinionated colleagues, including Rehnquist, Brennan, and Lewis Powell. Greenhouse's work with Blackmun's papers, however, reveals a man charting and always in command of his own direction throughout his tenure. He used his independence to foster his own development. When asked if the assignment of *Roe* was good or bad luck, Blackmun thought it fortunate, for he understood what his evolution really was about. "I think one grows in controversy," he said. He realized "it was not the fortuities themselves, but the responses they evoked from him, that shaped his life," Greenhouse concludes. "He became Justice Harry Blackmun." **TAP**

*Stanley I. Kutler is the author of The Wars of Watergate.*



# Day 1,461 and Counting

BY MICHAEL TOMASKY

**T**HIS SEPTEMBER 11 WILL MARK THE FOURTH ANNIVERSARY of the terrorist attacks on the United States. The media will focus on the ceremonies at the former World Trade Center site, the Pentagon, and other cities and towns around the country that will honor the

dead. The Bush administration, meanwhile, will do its best to remind Americans that today's George W. Bush—except for the Watergate-era Richard Nixon, the most unpopular two-term president, at this point in his tenure, since scientific polling began in the 1940s—is the same man who led the country through tragedy.

In truth, the anniversary should be the occasion for a thoroughgoing discussion of how America has combated terrorism in the last four years. And on that front, even the disaster Bush has created in Iraq takes a back seat to one overwhelming fact: By the time night falls on September 11, Osama bin Laden will have been at large for 1,461 days.

America vanquished world fascism in less time: We obtained Germany's surrender in 1,243 days, Japan's in 1,365. Even the third Punic War, in which Carthage was burned to the ground and emptied of citizens who were taken en masse into Roman slavery, lasted around 1,100 days (and troops needed a little longer to get into position back in 149 B.C.).

**Y**ES, YES: IT CAN BE HARDER TO FIND one stateless man than to defeat an army whose troop movements can be tracked. And that would be a good excuse—if the Bush administration had bothered to make capturing bin Laden a priority.

John Kerry can't be accused, alas, of having offered a coherent foreign policy in last year's campaign, but he was dead right when he said the administration

had "outsourced" the job of finding the man responsible for the most deadly attacks ever on American soil. As the journalist Peter Bergen wrote in *The Atlantic* last October, we were closing in on al-Qaeda leadership in December 2001. But the United States decided to leave the crucial two-week battle of Tora Bora chiefly to local Afghan fighters. It was, Bergen wrote, "a blunder that allowed many members of al-Qaeda, including Osama bin Laden himself, to slip away."

And, of course, we know why that battle was left to locals—and why, relatedly, we never had more than about 10,000 troops in Afghanistan in 2001. (How's Afghanistan going today? We now have 18,000 troops there, and 2005 has been the deadliest year for U.S. forces since the fighting began.)

The Bush administration had already decided, at the very least, to find an excuse to invade Iraq. We know from Richard Clarke's testimony and other sources that administration officials, including Bush himself, started asking the counterterrorism chief to find an Iraqi link to 9-11 from the day following the attacks. On December 11, 2001—right around the time bin Laden began his escape, possibly the very day—Vice President Dick Cheney told Fox

News, "If I were Saddam Hussein, I'd be thinking very carefully about the future, and I'd be looking very closely to see what happened to the Taliban in Afghanistan."

Whatever the apologists say, the truth is simple: The administration held back troops from Afghanistan so that it could send 150,000 to Iraq. That, and nothing else, is the reason bin Laden is still at large.

**B**UT LISTEN CLOSELY TO THE SILENCE: Outside of magazines like this one and a handful of liberal Web sites, the subject is rarely discussed.

Just imagine bin Laden having been at large this long in President Al Gore's administration. In fact, it's impossible to imagine, because President Gore, under such circumstances, wouldn't have lasted this long. You probably didn't know, until you read this column, the number of days bin Laden has been at large. But I assure you that if Gore had been president, you and every American would have known, because the right would have seen to it that you knew, asking every day, "Where's Osama?" If Gore hadn't been impeached, it's doubtful he'd have survived a re-election campaign, with Americans aghast at how weak and immoral a president had

to be to permit those 2,700 deaths to go unavenged this long.

To be sure, the difference is partly a Democratic failure—they're afraid of the right-wing noise machine, pure and simple. That's a failure of nerve, and it's an appalling one.

But the moral failure belongs to Bush and his subordinates and their

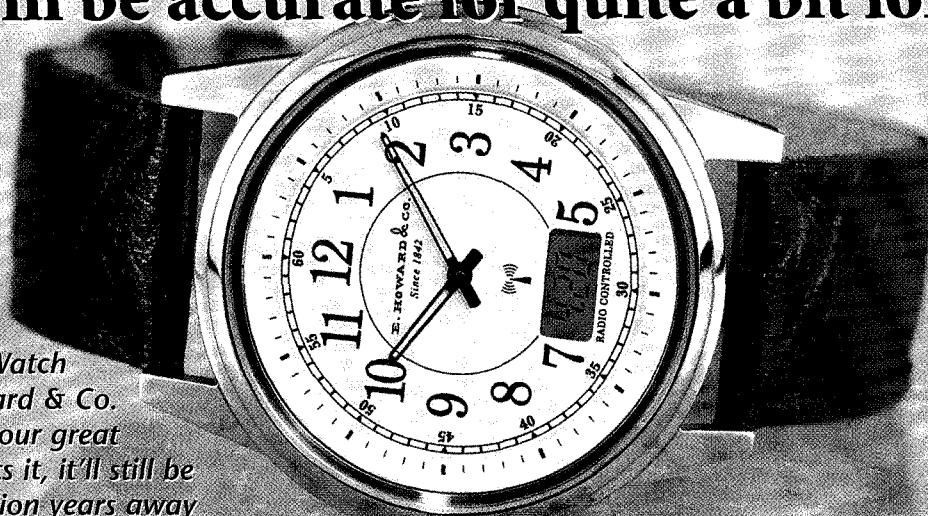
amen chorus of slatternly propagandists and so-called intellectuals, who made great political advantage of 9-11 but spit on the grieving families by pretending that there is no imperative in seeing justice done for their losses. They may be able to control the dialogue, but they can't control the facts—and the facts condemn them all. **TAP**

*Robert B. Reich will return next month.*

*For the fourth anniversary of September 11, one simple question looms largest: Where's Osama?*

**It will stay in your family for centuries,  
it will be accurate for quite a bit longer.**

*The Atomic Watch  
from E. Howard & Co.  
By the time your great  
grandson gets it, it'll still be  
almost 6 million years away  
from losing one second.*



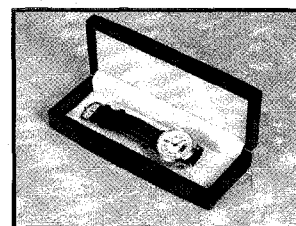
For centuries, if someone wanted a watch worthy of passing on to future generations, it had to come from Europe. Then, in 1842, a small American manufacturer of fine timepieces began to produce clocks and watches that rivaled those of the Europeans.

Since then, the expert watchmakers at E. Howard and Company have been known around the world for the accuracy and classic elegance of their timepieces. Now, they've developed the Continental Atomic Wristwatch—blending quality craftsmanship, distinctive design and atomic accuracy into one watch. It's destined to be in your family for years, and it's guaranteed to be accurate to within a billionth of a second.

**Never set your watch again.** The reason this watch is so accurate is because it gets its signal from the official US Atomic Clock in Fort Collins, Colorado. The standard for timekeeping throughout the US, the Atomic Clock uses sophisticated technology to measure the vibration of atoms, which is constant. For this reason, it is accurate to within a billionth of a second, and it will take approximately 6 million years for it to lose a second! Until now, watches designed to receive the radio signal had to have plastic cases. Now, "America's Timekeeper" has created a high-quality analog watch in silver and gold plated styles. The watch is designed so that it can still receive the signal—so you get traditional elegant styling with modern timekeeping accuracy. Once you've selected the proper time zone, you never have to touch it again. It automatically adjusts for Daylight Savings Time, 30-day months and leap years. It comes in an elegant wooden box with the E. Howard name and a numbered certificate of authenticity.

**Designed for a lifetime of accuracy.** This finely crafted watch blends past and future with an elegant, easy-to-read analog display and a handy digital readout, showing Day and Month, Seconds, or US Time Zone at the touch of a button. This good-looking watch is also tough, with a scratch-resistant crystal and polished silver or gold stainless steel case that's water resistant.

**Try it now with our exclusive home trial.** No one has sold more Atomic Watches than we have, and this is the one that met our high standards for looks and performance. We are so sure that you will like it too that we are offering it with our exclusive 90-day home trial. If you are not completely satisfied with the watch for any reason, simply return it within 90 days for a refund of the purchase price.



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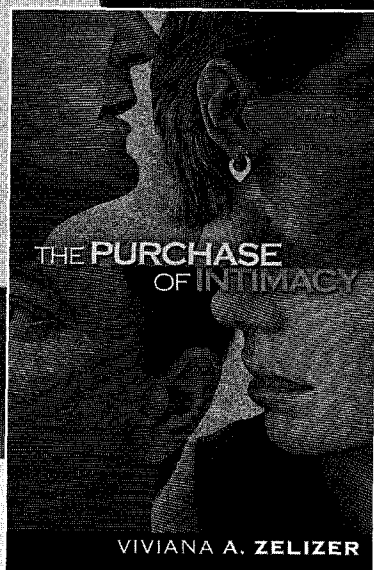
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# Open for Thought



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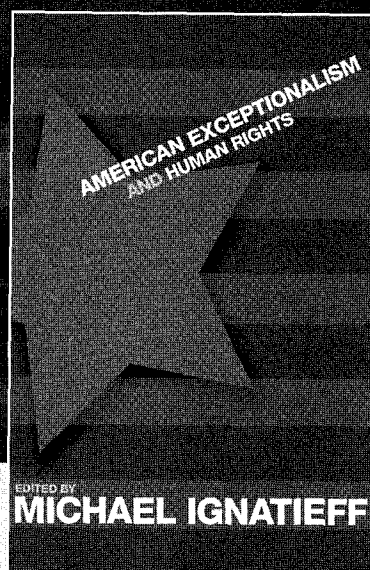
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